

DISA ACQUISITION  
REGULATION SUPPLEMENT  
(DARS)



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DEFENSE INFORMATION SYSTEMS AGENCY



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DISA ACQUISITION REGULATION SUPPLEMENT (DARS)



**PART 1**

**SUBPART 1.1—PURPOSE, AUTHORITY, ISSUANCE**

*Revised 7 February 2001 DISA AC 97-19*

**1.101 Purpose.**

The Defense Information Systems Agency (DISA) Acquisition Regulation Supplement (DARS) establishes uniform DISA policies implementing and supplementing the Federal Acquisition Regulation (FAR) and the Defense FAR Supplement (DFARS) and other applicable Department of Defense (DoD) directives/instructions. It establishes Agency policies relating to the acquisition of supplies and services under Title 10 of the United States Code (U.S.C.) or other statutory authority. The DARS is not a "stand alone" document and must be read in conjunction with the FAR and DFARS.

**1.102-90 Statement of Guiding Principles for the DARS.**

The vision for the DARS is to deliver broad responsive Agency policy to ensure the acquisition system always provides the best possible product or service to the warfighter. The intent of the DARS is not to duplicate higher level policy provided by the FAR and DFARS, but supplement that policy for specific Agency-level requirements when necessary. However, policy restates language for reinforcement when the Agency deems required. It is intended that ALL Agency specific acquisition policy be contained in the DARS, thus providing "one-stop shopping" for anyone requiring guidance.

**1.103 Authority.**

The DARS is issued by the Deputy Director for Acquisition, Logistics, and Facilities (Code D4), DISA, by authority of the Director, DISA (DISAI 260-5-1).

**1.104 Applicability.**

The DARS applies DISA-wide in the same manner and extent as specified in FAR 1.104 and DFARS 201.103. The DARS applies to Defense Information Technology Contracting Organization (DITCO) regardless of customer. For example: When DITCO supports external customer (non-DISA funded/managed) requirements, DARS contracting policies would not be affected.

Policies/procedures of external customers (requirements office) are acceptable as long as they comply with applicable laws and regulations. For example:

- Requirements office generated documents (acquisition plans, justifications and approvals, etc.) would not be in the DISA format, contain DISA supplemental information, etc., unless agreed upon, in writing (memorandum of agreement).

- DARS policies requiring DISA requirements offices to report to the Director would not be enforced on external customers.

**1.105 Issuance.**

**1.105-2 Arrangement of regulations.**

(c) References and citations

(2) This supplement shall be referred to as the DARS. The DARS refers to the Federal Acquisition Regulation as the FAR and the Defense FAR Supplement as the DFARS.

**1.105-3 Copies.**

Copies of the DARS are available electronically and can be accessed via DISA's Code D41 Acquisition homepage <http://www.disa.mil/d4/conpage.shtml>. The FAR and DFARS can be also be accessed electronically via this homepage. In order to comply with the Paperwork Reduction Act, a limited number of hard copies of the DARS is available from the Code D4, ATTN: Acquisition Division, DISA (Code D41), 5113 Leesburg Pike, Sky 4, Suite 400a, Falls Church, VA 22041.

**SUBPART 1.2—ADMINISTRATION**

**1.201-90 Maintenance of the DARS.**

All revisions to the DARS will be implemented by a DISA Acquisition Circular (DISA AC) and numbered consecutively beginning with the fiscal year of the latest edition of the DARS and number "01" (e.g., DISA AC 97-01).

**1.201-1 The two councils.**

(d) (S-90) Submit proposed revisions of FAR, DFARS, and DARS to Code D41. The format shall include a legal position and name, office symbol and telephone number of the point of contact.

(S-91) Submit notification of errors such as misspelled words, omitted words or lines, or errors in format to Code D41. The notice shall include the DARS page, citation, and nature of error.

**SUBPART 1.3—AGENCY ACQUISITION REGULATIONS**

**1.301 Policy.**

(a) (2) The HCA shall issue internal contracting procedures relative to the FAR, DFARS, and DARS. Such guidance shall follow the format, general plan, and numbering system of the FAR, DFARS, and DARS, as appropriate. See DARS 1.304 for policy regarding contracting procedures that impact the Agency.

(b) The DARS merely implements or supplements higher level issuances that have previously undergone the public comment process and such implementation or supplementation shall not result in an additional significant cost or administrative impact on contractors or offerors or effect beyond DISA's internal operating procedures. If a policy in the DARS is inconsistent with higher-level policy (e.g., FAR/DFARS), higher-level policy shall take precedence.



**1.303 Publication and codification.**

(a) (i) In accordance with FAR 1.301 and DFARS 201.304, the DARS is not required to be codified in Title 48, Code of Federal Regulations nor approved by USD(A&T)DP. Any revisions to the DARS that would require codification shall comply with aforementioned FAR and DFARS cites.

(ii) To the extent possible, all DARS text (whether implemented or supplemented) is numbered as if it were implemented. Supplemented numbering is used only when the text cannot be integrated intelligibly with its FAR and DFARS counterpart. The coverage uses the same numbers as its FAR and DFARS counterpart.

(iii) DARS supplements parallel the FAR and DFARS numbering, except DARS numbering uses subsection numbering of 90 and up. Supplemented lower divisions add a number of (S-90) and up. Examples follow:

<b>FAR</b>	<b>DARS IMPLEMENTED AS</b>	<b>DARS SUPPLEMENTED AS</b>
19	19	19-90
19.501	19.501	19.501-90
19.501-1	19.501-1	19.501-1-90
19.501-1(a)	19.501-1(a)	19.501-1(a) (S-90)
19.501-1(a) (1)	19.501-1(a) (1)	19.501-1(a) (1) (S-90)

**1.304 Agency control and compliance procedures.**

(a) All DISA acquisition-related procedures (both mandatory/nonmandatory) that impact the Agency shall be reviewed by Code D41, prior to implementation.

(S-90) These procedures are implemented as DISA Acquisition Deskbooks and referenced in the appropriate part in the DARS. Appendix A contains a listing of all deskbooks. Code D41 facilitates implementation of all DISA Acquisition Deskbooks. However, when a deskbook is not available, the DARS contains procedures.

(S-91) All deskbooks will be available electronically (see DARS 1.105-3).

(4) (S-90) Appendix B contains the approved DISA Clause Control Plan (currently under revision,) and it shall be followed for approval of clauses other than those prescribed in the FAR and DFARS.

(b) DISA Local Internal Procedures shall not—

(1) Unnecessarily repeat, paraphrase, or otherwise restate material contained in the DARS or other higher-level regulations; or

(2) Be inconsistent with the DARS content.

**SUBPART 1.4—DEVIATIONS FROM THE FAR****1.402 Policy.**

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

(1) The HCA is the approval authority for individual deviations from FAR, DFARS, or DARS except those listed in DFARS 201.402(1)(i). However, if the deviation is for a classified program, the Senior Procurement Executive is the approval authority for individual deviations.

(2)(i) Except as provided in DFARS 201.402(2)(ii), individual deviations, other than those in DFARS 201.402(1)(i), must be approved in accordance with the approved DISA Clause Control Plan (Appendix B).

(3) For deviations that require USD(A&T)DP approval (DFARS 201.402(1)(i) and (ii), use the format in DFARS 201.402(3) and submit requests for deviation approval to Code D4.

(S-90) Requests for deviations that have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or offerors must be published for public comment in the Federal Register.

(a) Allow sufficient time for the 60-day public comment period, resolution of public comments, review of public comments by the Defense Acquisition Regulations Council and approval by USD(A&T)DP (see DARS 1.402(3)).

(b) The originator of the deviation is responsible for preparing the support package and proposed deviation language.

(c) The originator of the deviation shall prepare the documentation to support any required analysis.

### SUBPART 1.5-AGENCY AND PUBLIC PARTICIPATION

#### **1.501 Solicitation of agency and public views.**

##### **1.501-2 Opportunity for public comments.**

(b) DARS revisions will either be sent via e-mail or posted on the D41 homepage (see DARS 1.501-3) for review/comment by the acquisition community. All comments received will be considered but concurrence isn't required or feasible.

(2) Comments on proposed or interim rules published for public comment in the Federal Register shall be submitted to Code D41, who takes action, as appropriate.

##### **1.501-3 Exceptions.**

(a) Comments need not be solicited when the proposed coverage constitutes editorial changes and minor corrections which don't alter the substantive meaning of any coverage in the DARS.

**SUBPART 1.6—CONTRACTING AUTHORITY AND RESPONSIBILITIES**

**1.602-2-90 Responsibilities.**

(a) Policy.

(1) The *Contracting Officer's Representative* (COR) is an authorized representative of the contracting officer who assists with the technical monitoring or administration of a contract. The COR is the technical/administrative liaison between the contractor and the contracting officer.

(2) A *Task Monitor* (TM) is essentially the same as the COR but—

(i) designated in addition to or instead of a COR, when the contracting officer thinks necessary,

(ii) performs technical/administrative duties at the task order level under a task order contract, and

(iii) serves as the technical/administrative liaison between the contractor and the COR and/or the contracting officer.

(3) CORs/TMs are the only sanctioned titles for individuals performing the duties and responsibilities under this subpart. Regardless of previous titles used, if you are performing the functions of a COR/TM, the policy under this subpart applies to you. Contracting officers shall only use these titles (COR/TM) in their designation letters. Titles such as "Contracting Officer Technical Representative (COTR)," "Technical Task Monitor (TTM)" and "Functional Area Advisor" are no longer acceptable and shall not be used in any new designations.

(4) A *Technical Representative* (TR) is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor's facility to provide program technical oversight. The acquisition manager (see DARS Part 7 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

(b) Qualifications. CORs/TMs shall possess the technical skills required to monitor and administer the specific duties assigned.

Mandatory training requirements are:

(1) The training requirements under this subpart are retroactive for all CORs/TMs. As of 1 October 1999, contracting officers shall terminate the designation or return nominations of any COR/TM that hasn't met the training requirements of this subpart.

(2) As of February 1999, all TMs as well as CORs are required to take approved COR training. This requirement applies to newly designated CORs/TMs as well as those previously designated.

(3) **Effective 2 August 1999**, the web-based FAI "COR Mentor" course is DISA's designated mandatory course and all CORs/TMs (new or previously appointed) are required to take all 18 duties of this

course. **BEFORE** you take this course, go to the D4 Homepage and review the [DISA FAI "COR Mentor" Companion](#). The DISA Companion is helpful in the registration process and provides information that increases your ability to understand the terms used and questions asked.

**-Before 2 August 1999:** All CORs/DISA TMs designated before this date that haven't received any COR training within the last year, must complete the required FAI "COR Mentor" course now. If you have taken COR training within the last year, you have 1 year from the date you took your last COR course to take all 18 duties of the FAI "COR Mentor" course. In the latter situation, this meets your annual refresher requirement. If the COR training you took within the last year was the FAI "COR Mentor" course, you only need to take 6 of the 18 duties during annual refresher.

**-On or after 2 August 1999:** All CORs/DISA TMs that haven't received any COR training within the last year must complete the required FAI "COR Mentor" course **before designation**.

(4) CORs/TMs are acquisition officials who require ethics training. **Upon nomination**, CORs/DISA TMs are required to take the web-based DISA Annual Ethics Training course, unless you have already taken it within the past year. This course is required annually thereafter. COR/DISA TM supervisors will ensure that the appropriate financial disclosure forms are filled out **annually** and sent to the Office of General Counsel (GC). Note: If you were already appointed a COR/TM and haven't taken the DISA web-based Annual Ethics Training course, you are required to take it as soon as possible and annually thereafter.

(5) CORs/TMs must complete appropriate refresher training **annually** to familiarize themselves with developments or changes in acquisition regulations. For DISA CORs/TMs, required annual refresher consists of the following: Completion of any 6 of the 18 duties in the FAI "COR Mentor" course unless otherwise directed by the contracting officer.

(6) Contact the Training and Executive Services Division (Code D15) for further information regarding the courses. CORs/TMs who are in designated Defense Acquisition Workforce Improvement Act (DAWIA) positions within DISA can contact the Chief, Acquisition Corps and Policy (D111) for DAWIA-specific information.

(7) CORs/TMs are responsible for taking all required training. *Before designation* and subsequently as required, the contracting officer must receive certification of all training.

(8) *Before designation* of CORs from non-DISA requirements offices (external customers, see DARS 1.104), the contracting officer must still obtain certification of all training. But, external customers may have training requirements for CORs prescribed in their own regulations and/or instructions. In this situation, certification of training that meets the external customer's qualifications, experience and training (course titles and completion dates) for CORs may be acceptable.

(9) *Before designation* of TMs from non-DISA requirements offices, required training will be at the discretion of the contracting officer. Based on duties assigned to external TMs, the contracting

officer will ensure that adequately trained and qualified individuals are designated.

(c) Designation. The contracting officer may designate a COR/TM upon the written nomination from the requirements (i.e., customer) office. The authority to designate CORs/TMs can't be further delegated.

(1) The requirements office will provide the contracting officer the nomination as soon as possible but not later than 30 days prior to contract or task order award.

(2) Requirements offices will not send written nominations unless the nominee is qualified in accordance with this subpart. The nomination will identify a primary COR/TM and outline the nominee's technical qualifications, experience, and training information. Copies of training certificates must accompany nominations. Alternate CORs/TMs are discouraged but if nominated, must meet all of the requirements of this subpart (e.g., meet the same training requirements before designation).

(3) *Before designation*, the contracting officer will check the nomination to ensure that the COR/TM meets the requirements of this subpart. If anticipating COR designation, use the clause required by DFARS 201.602-70 in the solicitation and contract. If anticipating TM designation, the request for proposal for each individual task order must include a statement similar to the COR clause required by DFARS.

(4) The contracting officer's designation letter must identify the information required in DFARS 201.602-2(5) and establish a feedback procedure for keeping aware of significant events concerning contract performance.

(5) Generally, you only need one COR to monitor/ administer a contract and/or one TM to monitor a task order.

(6) Upon designation, the contracting officer will give the original designation letter to the COR/TM and send copies to the following:

- (i) Contractor
- (ii) Contract Administration Office
- (iii) COR's/TM's Supervisor.

(7) Designation letters must include a signature block for the COR/TM and one for the COR's/TM's supervisor.

(i) The COR/TM signature acknowledges full understanding of duties, responsibilities, and limitations, to include completion of all training requirements. If anything regarding the assigned duties and responsibilities is unclear at the time of designation or thereafter, it is the COR's/TM's responsibility to seek clarification from the contracting officer. The COR/TM shall not sign the designation letter until completion of the required training under this subpart.

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(ii) The supervisor's signature acknowledges full understanding, support for, and approval of COR/TM duties, responsibilities and limitations. The supervisor's signature also acknowledges agreeing to address COR/TM duties/responsibilities in job descriptions and creating an additional COR/TM critical element(s), in accordance with DARS 1.602-2-90(d)(1).

(iii) Once the COR/TM and supervisor acknowledge (sign) the designation letter, the COR/TM will send a copy to the contracting officer. The COR/TM will place the original designation letter/acknowledgements in their file.

(d) COR/TM Duties. (**Note:** Applies to non-DISA CORs/TMs, as determined appropriate by the contracting officer.)

(1) To ensure accountability, supervisors shall adequately address COR/TM duties in job descriptions and performance standards. Supervisors will ensure that the COR/TM include appropriate training requirements under this subpart in Individual Development Plans.

(i) COR/TM supervisors will develop an additional job specific individual critical element(s) and standard(s) and include it on the DISA Performance Workplan and Appraisal (DISA Form 208) relating to the specific duties and responsibilities of the COR/TM. During mid-year review and final evaluation of CORs/TMs, supervisors may obtain input from the contracting officer when necessary.

(ii) Sample COR/TM job specific critical element:

➤ Adheres to FAR/DFARS/DARS requirements avoiding such things as conflicts of interest, Anti-Deficiency Act violations and unauthorized commitments. Plans, organizes and works effectively, delivering products and services that are clearly consistent/compliant with the duties, responsibilities and limitations outlined in the designation letter. Products and services reflect the appropriate level of technical expertise and skill. Performs effective/proactive technical monitoring and oversight of quality, cost, and schedule of contractor's work and/or deliverables and keeps contracting officer/specialist informed of progress/problems. Properly documents files. Meets DARS 1.6 training requirements, which include the web-based FAI "COR Mentor" course (18 duties), DISA Annual Ethics Training course and annual refresher--web-based FAI "COR Mentor" course (any 6 of 18 duties).

(2) The contracting officer shall check the administration and performance of the COR/TM on an annual basis, or more often if necessary. Results will be documented in the contract file and a copy sent to the COR's/TM's supervisor. If the contracting officer finds out that a COR/TM isn't properly monitoring a contract/order, the requirements office shall be asked to nominate a replacement.

(3) In most cases, only government employees can carry out COR/TM duties. A non-government employee shall not perform duties designated for COR/TM performance nor shall any non-government employee help in the execution of COR/TM duties. Exception: Non-federal personnel assigned under authority of the [Intergovernmental Personnel Act \(IPA\) Mobility Program](#) (either by **appointment** or on **detail**) may

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perform COR/TM duties concerning the specific project to which they are assigned. DISA Mandatory training requirements apply to individuals assigned under the IPA. *Post-employment restrictions under FAR Part 3 may apply.*

(4) If designated CORs/TMs leave DISA or change positions and no longer perform the designated duties, the requirements office must notify the contracting officer and nominate replacements. Notification must be far enough in advance to allow time for-

(i) contracting officers to check qualifications, experience and training and designate a new COR/TM (at least 30 days), and

(ii) if needed, a transition period. For example: Lack of COR/TM assistance without replacement may have a negative impact on the collection and assessment of performance.

(5) CORs/TMs are required to keep well-documented files relating to actions taken in accordance with the designated duties (DFARS 201.602-2). Upon contract completion, CORs/TMs shall give contracting officers the files.

(6) Upon receipt of COR/TM files, contracting officers shall incorporate the files into the official contract file.

(e) Limitation of COR/TM Authority. COR's/TM's duties are set forth in the designation letters. CORs/TMs **don't** have contracting officer authority. In addition to the limitations stated in DFARS 201.602-2, the COR/TM **shall not**-

(1) Act, or fail to act, in any manner that the contractor may construe as an attempt to change the contract terms;

(2) Discuss pending solicitations or other contracts, or make commitments or promises to the contractor relating to award of a contractual action;

(3) Give contractors oral or written direction outside his/her scope of authority;

(4) Interfere with the contractor's personnel practices or dealings with organized labor; or

(5) Further delegate any authority vested in him/her.

(f) Commander, DITCO Responsibilities with Respect to CORs/TMs. The Commander, DITCO is responsible for developing and keeping a current, centralized electronic database of CORs/TMs and monitoring/notifying individuals failing to meet training requirements. At the minimum, the database shall include:

(1) Name and code of COR/TM;

(2) Date of designation;

(3) Dates of basic and refresher training;

(4) Contract number(s) for contract(s) monitored; and

(5) Task order number(s) **Only required for task order(s) monitored by TMs.**

(g) D1, GC and D41 shall have access to the above database.

**1.602-3 Ratification of unauthorized commitments.**

(b) (2) In accordance with the Director's memorandum of 16 January 1996, Delegation of Acquisition Authorities, the Vice Director (DV), DISA, is the ratifying official for all unauthorized commitments over \$50,000. Submit requests for DV ratification should be submitted through Code D4 with a copy to DISA General Counsel.

(b) (3) The HCA is authorized to ratify actions up to \$50,000.

(S-90) Policy.

(a) The person making the unauthorized commitment will forward to his/her supervisor documentation concerning the transaction, including—

(1) A statement signed by the person describing the circumstances, why normal procurement procedures were not followed, what bona fide Government requirement necessitated the commitment, what benefit was derived, its value, and any other pertinent facts; and

(2) All orders, invoices, or other documentary evidence of the transaction.

(b) If the supervisor agrees that the commitment should be ratified, the supervisor will forward the documentation to the appropriate contracting activity with an endorsement that—

(1) Verifies the accuracy and completeness of the documentation;

(2) Describes the measures taken to prevent a recurrence of unauthorized commitments; and

(3) Provides a purchase description and funding for the ratifying action.

(c) The contracting officer processing the unauthorized commitment will—

(1) Review the documentation and endorsement for completeness and adequacy;

(2) Ascertain the existence and obtain clarification of any doubtful questions of fact;

(3) Prepare a determination and findings addressing the limitations in FAR 1.602-3(c) (1) through (7);



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(4) Prepare a recommendation to the ratifying official;

(5) Prepare the appropriate contractual documents; and

(6) Submit the contract and supporting documents for local Agency legal counsel review and coordination.

(d) Legal counsel will review all proposed ratifications and approve all contracts as to form and legality.

(e) The cognizant ratifying official will review the file and approve or disapprove the action.

(f) Final approval of any ratification action resides with the appropriate ratification official, except as noted below.

(1) The individual responsible for making the unauthorized commitment and the cognizant Deputy Director of the DISA office involved must brief DV on the circumstances and corrective actions taken prior to final approval of any ratification action when:

(i) The action, irrespective of dollar amount, may result in disciplinary or administrative action against the individual making the unauthorized commitment (e.g., in cases of repetitive or egregious violations).

(ii) The action is for over \$50,000, requiring DV ratification.

(2) For actions under \$50,000, the cognizant ratifying official will provide a summary report of the action to DV following ratification.

(g) If the decision is made not to ratify the unauthorized commitment, the individual making that unauthorized commitment may be held personally liable under Title 31, United States Code. In addition, criminal penalties may be pursued under DOD Directive 7200.1, "Administrative Control of Appropriations," 7 May 1994. A person who knowingly violates this title "...shall be fined not more than \$5,000.00, imprisoned for not more than 2 years, or both." This individual may also face penalties ranging from warnings through suspension and removal.

(h) The HCA will maintain a database of all unauthorized commitments by Agency personnel. Each ratification should have its own control number and the database should include this information. The database, at a minimum, shall also include the following:

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Name and Grade of Individual Making Unauthorized  
Commitment:  
Organization/Office Location/Duty Assignment:  
Date of Unauthorized Commitment:  
Dollar Value:  
Ratifying Official:  
Date of Ratification:  
If Not Ratified, Why Not:  
Type of Preventive Action Taken:  
Previous Occurrences (Yes/No):  
Disciplinary or Administrative Action Taken (Yes/No):  
Referral to Investigative Authorities (Yes/No)

**1.603 Selection, appointment, and termination of appointment.**

**1.603-1 General.**

The authority in FAR 1.603-1 for selection, appointment, and termination of contracting officers has been delegated to the HCA without power of redelegation.

**1.603-2 Selection.**

(1) Selection criteria (see FAR 1.603-2) shall be established by the HCA to qualify individuals appointed contracting officers for purchases above \$2,500 and not exceeding \$100,000. DFARS 201.603-2 does not apply to the appointment of contracting officers below the simplified purchase threshold in FAR 13.

(S-90) Qualifications for selection of contracting officers exceeding \$100,000.

(a) Individuals shall meet the qualifications (at a minimum) set forth in DFARS 201.603-2 prior to appointment as contracting officers. Other factors such as the individual's capability, character, and judgment shall also be considered in determining limitations on the individual's contracting authority.

(b) The "Application for Appointment as a Contracting Officer" shall be used to document the education, experience and training. The following format can be used or something similar as long as all criteria are included:

**APPLICATION FOR APPOINTMENT AS A CONTRACTING OFFICER**

I. IDENTIFICATION.

- a. Office Code:
- b. Name of Appointee:
- c. Grade or Rank:
- d. Organizational Position Title:
- e. Brief Description of Duties:

II. EDUCATION. Identify any education or special training in accounting, business finance, law, contracts, purchasing, economics, organization and management.

- a. High School Graduate Yes \_\_\_\_\_ No \_\_\_\_\_
- b. Number of Years of Successfully Completed College: \_\_\_\_\_
- Undergraduate Study \_\_\_\_\_
- Major \_\_\_\_\_ Minor \_\_\_\_\_
- Degree Conferred \_\_\_\_\_ Date \_\_\_\_\_
- Post Graduate Study \_\_\_\_\_ Major \_\_\_\_\_
- Degree Conferred \_\_\_\_\_ Date \_\_\_\_\_

III. EXPERIENCE. Identify any experience in Government contracting and administration, commercial purchasing or related fields.

- a. Number of Years as full-time Contract Negotiator/Administrator \_\_\_\_\_
- Date(s): \_\_\_\_\_ Grade: \_\_\_\_\_
- Position: \_\_\_\_\_ Duties: \_\_\_\_\_
- b. Number of Years as Supervisory Contract Negotiator/Administrator \_\_\_\_\_
- c. Number of Years as Contracting Officer \_\_\_\_\_
- Date(s): \_\_\_\_\_ Grade: \_\_\_\_\_
- Position: \_\_\_\_\_ Duties: \_\_\_\_\_
- d. Number of Years of Other Directly Pertinent Experience \_\_\_\_\_

IV. TRAINING. Identify satisfactory completion of acquisition requirements reflected in DFARS 201.603-2 and implemented by the Defense Acquisition Workforce Improvement Act.

- a. Certification Level: \_\_\_\_\_
- b. Pre-Award \_\_\_\_\_ Post-Award \_\_\_\_\_
- c. Contracting Courses Successfully Completed (Course Title and Date Completed).
- d. DAWIA Recognized Equivalent Courses/Date Completed/Sponsor.
- e. Other Directly Pertinent Courses/Date Completed/Source.

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V. NECESSITY FOR APPOINTMENT. (Describe briefly)

VI. LIMITATIONS OF CONTRACTING OFFICER AUTHORITY.

(Identify by type of action, dollar amount, time period, or other limitation, as necessary.)

VII. SIGNATURES.

\_\_\_\_\_  
Name of Applicant (Type or Print)      Name of Recommending Official (Type or Print)

\_\_\_\_\_  
Signature of Applicant      Date      Signature of Recommending Official      Date

**1.603-3 Appointment.**

(a) The HCA (DARS 1.603-1) shall review all applications for appointment for accuracy and sufficiency. If no appointment is made, the HCA shall provide a written explanation.

(S-90) Changes in Contracting Officer Authority. Increases or decreases or other changes in appointment limitations shall be evidenced by appropriate documentation including issuance of a new Certificate of Appointment (SF 1402).

(S-91) Annual Review Requirements. The HCA shall assess the organizational need for contracting officer appointments on an annual basis.

(S-92) The HCA shall prepare and maintain a current, centralized electronic database of all DISA appointed contracting officers and the limits of authority. At a minimum, the database shall include:

Name and Grade of Individual:  
Location/Assignment:  
Date of Current Appointment:  
Limitation (including dollar level):  
If appointment terminated, date of termination:  
If appointment terminated, basis for termination:

(S-93) The HCA shall provide Code D41 and \_Code D11 access to the above database. If no such database exists, the HCA shall provide an annual report that includes the above information, no later than the first week of each new calendar year and notification throughout the calendar year when changes occur. Upon execution of a centralized electronic database, the reporting requirement shall not longer be required.

**1.603-4 Termination.**

Termination of a Certificate of Appointment (SF 1402) shall be made by letter signed by the cognizant appointing authority unless the certificate provides for automatic termination. Refer to DARS 1.603-3(a) (S-93) for database requirements.

**SUBPART 1.90—PROCUREMENT OVERSIGHT**

**1.9000 Solicitation/contract review.**

(a) Code D4 may identify and request any contract action for pre- or post-award Headquarters review. This includes but is not limited to solicitations, contracts and modifications. Headquarters review will be coordinated with the HCA.

(b) For all formal solicitations \$10M or greater, Sections L and M shall be submitted to the SSA for review and approval prior to release of the solicitation.

**1.9001 Procurement management review.**

(a) Code D4 shall establish and maintain an Agency Procurement Management Review (PMR) program. The objective of such program is to evaluate the performance of the Agency's procurement system, including compliance by DISA elements with established acquisition policies and procedures.

(b) Code D4 shall --

- (1) Establish and lead the PMR team;
- (2) Be the final decision authority for unresolved issues;
- (3) Issue a draft report allowing 2 weeks for comments;
- (4) Consider comments received prior to release of the final report;
- (5) Release the final report 2 weeks after receipt of comments; and
- (6) Conduct follow-on assist visits.

(c) The DISA PMR program is used to assist the Director, DISA, as the Agency Senior Procurement Executive, in evaluating the--

- (1) Performance of the Agency's procurement system, including adequacy of internal management controls and acquisition policies and procedures, and to certify to the Secretary of Defense that the procurement system meets established criteria;
- (2) Training and career development of the procurement workforce;
- (3) Effectiveness of competition or other initiatives;
- (4) Criteria for the designation of contracting officers and their representatives; and
- (5) Ability of the Agency's contracting activities to withstand the scrutiny of external PMRs and other independent reviewers.

(d) The Department of Defense Manual for Review of Contracting and Contract Management Organizations shall be used as the guideline for conducting Agency PMR reviews.

**PART 2**  
**DEFINITIONS OF WORDS AND TERMS**

*Revised 7 February 2001 DISA AC 97-19*

**SUBPART 2.0-DEFINITIONS**

**2.0 Scope of part.**

This part defines words and terms used throughout the DARS. Some definitions are located in the affected DARS. For example, see DARS Part 7 for acquisition terms used concerning acquisition planning.

**2.101 Definitions.**

**Acquisition.** Acquisition used in this supplement has the same meaning as stated in FAR 2.101. Acquisition begins at the point when agency needs are established and ends with contract closeout.

**Acquisition Liaison.** Personnel within DISA directorates that are responsible for facilitating the acquisition process. They act as an interface between the requirements office and contracting offices. Their responsibilities include assisting in the development of the acquisition packages through the contract administration phase of the acquisition cycle. Go to <http://www.disa.mil/d4/newacquisitionliaisons.shtml> for a list of Acquisition Liaisons.

**Agency.** This term means DISA.

**Agency Head.** Agency head means the Director, DISA, except where law or regulations specify the Under Secretary of Defense (Acquisition and Technology) or Director of Defense Procurement.

**Consolidated Electronic Database.** This term means a database containing information from all contracting offices.

**Contracting.** The term contracting is synonymous with procuring. The following web address contains a list of current DISA contracts: <https://www.ditco.disa.mil/products/ASP/welcome.ASP>

**Contracting Activity.** This term refers to DISA's Contracting Organization, Defense Information Technology Contracting Organization (DITCO).

**Contracting Office.** This term refers to contracting offices within DITCO (e.g., DITCO-Scott, DITCO-Pacific (PAC), DITCO-Europe (EUR), DITCO-National Capital Region (NCR), DITCO-Alaska). Go to <http://www.ditco.disa.mil/asp/home.asp>, and click on "About DITCO" for detailed descriptions of DISA's contracting offices. DISA Acquisition Deskbooks. Acquisition-related procedures and guidance that impact the Agency. These deskbooks replace the August 1993 How-to-Guide.

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Purchase Request (PR). The authority to obtain supplies/services on behalf of the requirements office. DARS Part 53 prescribes the use of DISA's Purchase Request (PR)/Coordination Cover Sheet for MIPRs/ROs (DISA Form 1).

Head of the Contracting Activity (HCA).

-Deputy Director for Acquisition, Logistics, and Facilities (D4): HCA for all DISA acquisitions except those contracting duties of HCA delegated to the DV for classified and other sensitive acquisitions under the cognizance of the Special Projects Branch, DITCO-NCR.

-Vice Director, DISA: Delegated contracting duties of HCA for all DISA classified and other sensitive acquisitions under the cognizance of the Special Projects Branch, DITCO-NCR.

Head of a Contracting Office (HCO). The Head of any of the contracting offices listed above.

Requirements Office. This term is synonymous with all DISA requirements codes (e.g., Directorates, DISA-PAC, DISA-EUR, Defense Enterprise Computing Centers (DECCs) (formerly known as Defense Megacenters), Telecommunications Certification Office, etc.).

Senior Procurement Executive (SPE). SPE is the Director unless delegated otherwise in writing. If delegated, the delegation memorandum is posted as an Electronic Procurement Advisory (EPA) at <http://www.disa.mil/d4/pa.shtml>.



**PART 3**  
**IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 3.1-SAFEGUARDS**

**3.101 Standards of conduct.**

**3.101-1 General.**

All transactions that involve the expenditure of public funds require Agency personnel to adhere to the highest ethical standards to protect the public trust. DoD Directive 5500.7, Standards of Conduct, and DoD 5500.7-R, Joint Ethics Regulation, provide extensive Departmental guidance governing this area. Agency personnel shall:

(1) (S-90) Avoid any action, whether or not specifically prohibited by statute or regulation, which might result in or reasonably be expected to create the appearance of:

- (i) Using public office for private gain;
- (ii) Giving preferential treatment to any person or entity;
- (iii) Impeding government efficiency or economy;
- (iv) Losing independence or impartiality;
- (v) Making a government decision outside of official channels; or
- (vi) Adversely affecting the public's confidence in the integrity of the government.

(2) (S-91) Avoid conduct that favors a particular contractor. Procurement officials (see FAR 3.104-4) shall operate in an impartial and objective manner throughout the acquisition cycle. Contracting officers shall be free from any exertion of influence to award contracts to or place orders with specific contractors. Promptly report any instances of suspected ethics violations, including the exertion of undue influence to the Agency ethics official or other appropriate channel (see DoD 5500.7-R, Joint Ethics Regulation, section 10-200).

(3) (S-92) Ensure the existence and practice of adequate controls over the separation of functions. This includes controls to ensure that a single individual performs only one of the following: initiates the requirement; awards the contract or places the order; and receives, inspects, and accepts the supplies or services. If circumstances preclude such restriction, the person who makes the award or places the order shall not also receive, inspect, and accept the supplies or services.

(4) (S-93) All personnel who participate personally and substantially in acquisition or contracting activity are required to fill out a Confidential Financial Disclosure Report, Standard Form 450 (SF 450). This disclosure helps to ensure that personnel working on acquisitions do not have financial conflicts of interest.

(5) (S-94) The disclosure forms are used by the Agency to determine whether or not a conflict exists for those individuals participating in acquisition or contracting activities. During the course of an acquisition or contracting activity, contracting officers shall identify the individuals participating. Contracting officers, using this listing, shall submit a request to the General Counsel for a review of the individuals' financial disclosure forms. If an individual is not an annual filer then the individual shall be required to file an SF 450. The General Counsel shall work with an individual to resolve any conflicts.

(6) (S-95) A financial conflict of interest while performing acquisition or contracting activities could result in personal criminal liability. Although a government employee's holdings may not reach the reportable threshold on the SF 450 or the SF 278, the law applies to any financial conflict of interest, no matter how small the value.

(7) (S-96) Acquisition or contracting activities include: drafting, reviewing or approving a specification; drafting, reviewing, or approving a statement of work; preparing or issuing a procurement solicitation; preparing or developing a procurement or purchase request; negotiating to establish the price or terms and conditions of a contract or an out of scope contract modification; evaluating bids or proposals; selecting sources; conducting negotiations; or reviewing and approving the award of a contract or contract modification and certification of funds and invoices. 41 U.S.C. 423(p) (3) (A).

(8) (S-97) Aside from an employee's personal holdings there are three other ways in which a government employee may have a financial conflict of interest. First, the holdings of an employee's spouse, minor child, or general partner are imputed to the employee. Second, service of a government employee as an officer, director, trustee, general partner or employee in an outside organization could constitute a financial conflict of interest. Third, negotiating or having any arrangement concerning prospective employment may create a financial conflict of interest.

(9) (S-98) Contact the Regulatory/General Counsel's office concerning questions on this issue.

### **3.104 Procurement integrity.**

#### **3.104-5 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.**

(a) The HCA has been delegated the authority to authorize access to sensitive procurement information (e.g., proprietary or source selection information) when necessary to the conduct of the procurement.

(S-90) All DISA personnel who have access to sensitive acquisition information must ensure proper handling of such information in order to maintain the integrity of the acquisition process. Unclassified sensitive acquisition information shall only be distributed on a "need to know" basis.

(S-91) Communications networks such as DISAnet and Internet may be vulnerable to unauthorized access. Accordingly, whenever practicable, avoid the electronic transmission of unclassified sensitive acquisition information via e-mail, LAN, etc., in favor of more secure alternatives.

(S-92) The Internet should not be used to transmit "source selection information" and/or "proprietary information" if other alternatives are available.

**3.104-7 Ethics advisory opinions regarding prohibitions on a former officials acceptance of compensation from a contractor.**

- (b) (b) Written request for an advisory opinion shall be submitted to the DISA Designated Agency Ethics Official (DAEO). The ethics advisory opinions shall be maintained in the files of the DAEO issuing the opinions.

**3.104-9 Contract clauses.**

(c) The designee under FAR 52.203-10, Price or Fee Adjustment for Illegal or Improper Activity, is the DISA General Counsel. Submit requests for determination of violation through the legal counsel, signed by the HCA, to Code D41.

**3.104-10 Violations or possible violations.**

(a)(1) Forward determinations of "no impact," along with appropriate documentation, through the local counsel and HCA, for concurrence/nonconcurrence by the Code D4. Upon concurrence, the Code D4, in coordination with DISA General Counsel, shall notify the HCA and authorize the contracting officer to proceed with award.

(2) Code D4, in coordination with DISA General Counsel, shall promptly notify the HCA with the reasons for nonconcurrence and shall direct the contracting officer to withhold award.

(b) Prior to submission to the designated official, the local counsel shall recommend as to the appropriate action.

(g) The designee is the Code D4. Submit all documentation under an appropriate cover sheet marked as follows:

**PROCUREMENT SENSITIVE  
REQUIRES SPECIAL HANDLING  
DO NOT LEAVE UNATTENDED  
SECURE WHEN NOT IN USE**

(S-90) Contractor personnel suspecting a violation of the Procurement Integrity Act are encouraged to contact the contracting officer or the DISA Inspector General with a written allegation containing the elements specified in FAR 3.904.

**SUBPART 3.2—CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL**

**3.203 Reporting suspected violations of the gratuities clause.**

Report suspected violations through the local counsel and HCA to the DISA General Counsel and Code D4.

**SUBPART 3.3—REPORTS OF SUSPECTED ANTITRUST VIOLATIONS**

**3.301 General.**

Report suspected antitrust violations through the local counsel and HCA to the DISA General Counsel and Code D4.

**SUBPART 3.5—OTHER IMPROPER BUSINESS PRACTICES**

**3.570 Employment prohibitions on persons convicted of fraud or other DoD contract-related felonies.**

**3.570-2 Policy.**

(b) The Agency designee for waivers is the Vice Director, DISA.

**3.570-3 Waiver.**

(S-90) Submit waiver requests through the Code D41.

**SUBPART 3.6—CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM**

**3.602 Exceptions.**

The designee is the HCA.

**SUBPART 3.7—VOIDING AND RESCINDING CONTRACTS**

**3.705 Procedures.**

(a) Reporting. Report the facts concerning a final conviction for any violation of 18 U.S.C. 201-224 to the DISA General Counsel and Code D4, within 10 working days of learning of final conviction. Submit reports through local counsel and the HCA.

**SUBPART 3.8—LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS**

**3.804 Policy.**

(b) Forward copies of contractor disclosures to Code D41, for submission to the Office of the USD (A&T).

**SUBPART 3.9—WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

**3.905 Procedures for investigating complaints.**

(b) The designee is Code D4.

### **3.906 Remedies.**

(a) Code D4, based on the report of the Inspector General, and in coordination with the DISA General Counsel, shall recommend the appropriate action to the Director, DISA.

## **SUBPART 3.90—ETHICS IN THE PROCUREMENT PROCESS**

### **3.9000 General**

(a) The Agency ethics official is the DISA General Counsel.

(b) In order to ensure the public trust given to federal employees, it is imperative that Agency personnel not accept any gratuities provided in connection with the performance of official duties (see Section 7 of the Office of Federal Procurement Policy Act [41 U.S.C.423], as amended, and Joint Ethics Regulations (JER), DoD 5500.7-R). The definition of gratuities includes attendance at conferences and contractor demonstrations.

(c) Every attempt should be made by federal employees to preclude the appearance of a potential unfair advantage which may be obtained by a vendor hosting a gathering of mutual interest to government and industry. In addition, such attendance may appear to create a bias toward the particular vendor's products or create the perception that the training allowed for undue vendor influence over Agency acquisitions. Any attendance at such gatherings must be balanced with the government's need to become knowledgeable about products and technological developments.

(1) Personnel may participate in gatherings of mutual interest to government and industry when the host is an industrial, technical, or professional association (not an individual defense contractor or commercial firm), provided that these gatherings have been approved in accordance with 32 CFR Part 237a. Participation in industrial events of national and international interest requires advance approval by the Assistant Secretary of Defense (Public Affairs).

(2) When a determination has been made that attendance at a widely attended gathering is in the interest of the Agency because it shall further Agency programs or operations, an employee may accept an offer of free attendance at all or appropriate parts of the gathering. A gathering is widely attended if it is open to members from throughout a given industry or profession, or if those in attendance represent a range of persons interested in a given matter. Free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees.

(3) Attendance by personnel at contractor demonstrations must be considered on a case-by-case basis. Permission to attend such gatherings must take into consideration whether the demonstration is

available to the general public, as well as whether or not the personnel who wish to attend the demonstration are involved "personally and substantially" in activities relating to a specific procurement (see FAR 3.104-4(g)). Under normal circumstances, the attendance at a competing contractor's facility is prohibited if the procurement process has begun (see FAR 3.104-4(c)(1)). A competing contractor, with respect to any procurement of property or services, means any entity legally capable of entering into a contract or subcontract in its own name that is, or is reasonably likely to become, a competitor for or recipient of a contract or subcontract under such procurement, and includes any other person acting on behalf of such an entity; the term also includes the incumbent contractor in the case of a contract modification (see FAR 3.104-4(b)(1) and (2)).

(4) Attendance at vendor hosted gatherings may also create a need to contact other vendors as to availability of similar demonstrations to allow the government to obtain a balanced understanding of the market. This contact, along with subsequent attendance at other, similar vendor hosted gatherings, shall enable the government to obtain a balanced understanding of the market.

(5) If, as a result of a market survey conducted to identify sources, an announcement is placed in the "Commerce Business Daily" which states that site visits and/or product demonstrations may be conducted with all interested offerors, attendance may be authorized to those potential competing contractors offering such visits and/or demonstrations.

(6) Prior to scheduling any such visit or demonstration as enumerated in the foregoing paragraphs, it must be coordinated with the activity's legal counsel and the cognizant Contracting Officer. Coordination with the Office of the General Counsel and the Contracting Office should occur at the earliest possible point of the planning stage to preclude unnecessary efforts by any interested party.

**PART 4**  
**ADMINISTRATIVE MATTERS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 4.3—PAPER DOCUMENTS**

**4.303 Policy.**

See FAR 8.802 and DARS 8.802 for policy regarding the acquisition of printing and related supplies.

**SUBPART 4.4—SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY**

**4.403 Responsibilities of contracting officers.**

(c) (1) Instructions for filling out the DD254s entitled "Industrial Security Program & DD Form 254, Contract Security Classification Specification, Implementation Guide" are located in Code D16's guide. This guide is incorporated in the DARS as a DISA Acquisition Deskbook and is listed in Appendix A.

**SUBPART 4.8—GOVERNMENT CONTRACT FILES**

**4.801 General.**

(b) In addition to those specific examples given in FAR 4.8, DISA contract files should adequately support all decisions made.





**PART 5**  
**PUBLICIZING CONTRACT ACTIONS**

*Revised 7 February 2001 DISA AC 97-20*

**5.001 Definitions**

**Face value** is the "reporting amount" required by DFARS 205.303(a)(i). Determine the face value as follows:

- *Contractual actions, including modifications (other than those discussed below):* Report the contract price excluding unexercised options when it exceeds \$5M and any subsequent modifications exceeding \$5M.
- *Undefinitized contractual actions:* Report the not-to-exceed (NTE) or ceiling price when it exceeds \$5M. See DFARS 205.303(a)(i)(A) for additional guidance.
- *Indefinite delivery, time and material, labor hour, and similar contractual actions:* Report the maximum amount (contract ceiling price/NTE) excluding unexercised options of the basic contract when it exceeds \$5M. Regardless of value, don't report individual orders or modifications up to the maximum amount of the basic contract. But, after the maximum amount of the basic contract is reached, report any subsequent orders or modifications exceeding \$5M.
- *Orders against Basic Ordering Agreements (BOAs)/Basic Agreements (BAs):* Report the order amount excluding unexercised options when it exceeds \$5M and any subsequent modifications exceeding \$5M.
- *Exercising options:* Report the option price when it exceeds \$5M and any subsequent modifications exceeding \$5M.
- *Incrementally funded contractual actions:* Report the contract price (not the obligated amount) excluding unexercised options when it exceeds \$5M. Regardless of value, don't report modifications up to the contract price of the basic contract. But, after the contract price of the basic contract is reached, report any subsequent modifications exceeding \$5M. Apply this guidance when incrementally funding orders (order amount) or options exercised (option price), etc.
- *Orders against Federal Supply Schedules:* Don't report these actions.

**5.2-SYNOPSES OF PROPOSED CONTRACT ACTIONS**

**5.207 Preparation and transmittal of synopses.**

(a) (S-90) Internet transmission. All synopses to be transmitted via the Internet shall be forwarded by the appropriate DISA contracting office (see DARS Part 2).

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

### (b) (S-91) Review of Pre-solicitation Notices.

(i) Prior to submitting Pre-solicitation Notices and Modifications to a previous pre-solicitation notice (includes sole source contracts and other proposed contract actions) to the Commerce Business Daily (CBD) or FedBizOpps, the following reviews and approvals are required:

<b>Estimated Dollar Value of Action</b>	<b>Approving Official</b>	<b>Information Copy To</b>
Less than \$5M	Contracting Officer	HCO
\$5M To \$50M	HCO	HCA (who forwards copy to HCOs, PAO, and leadership)
Greater than \$50M	HCA (who forwards copy to HCOs, PAO, and leadership)	

(ii) This requirement applies to all DISA CBD and FedBizOpps notices, regardless of the customer. Obtain approvals by forwarding the request and a copy of the draft notice to the approving official via email. A DISA Form 9 is not required. Concurrently, provide information copy with the request to the approving official.

(iii) Prior to submitting Source Sought Notices and Special Notices (e.g., Requests for Information (RFIs, draft performance work statements, market surveys, etc.)), the HCO must review and approve proposed submission. Concurrently, provide an information copy to the HCA.

(iv) When an Acquisition Plan (AP) is required, a Pre-solicitation Notice or a Modification to the previously issued Pre-solicitation Notice will not be released until AP approval.

## SUBPART 5.3-SYNOPSIS OF CONTRACT AWARDS

### 5.303-90 Announcement of contract awards.

(a) For contract actions awarded by a DISA contracting office, regardless of the customer, the contracting officer shall prepare a Congressional and Press Notification Report (hereinafter referred to as "Report") when the face value of a contractual action exceeds \$5M as described under DARS 5.001 above.

(b) For contract actions awarded by another agency but managed/funded by DISA, the Program Manager (PM)/Acquisition Manager (AM) shall prepare a Contract Award Notification (hereinafter referred to as "Notification") when the face value of a contractual action exceeds \$5M as described under DARS 5.001 above.

#### (c) Required format.

- Markings, centered, top/bottom: SOURCE SELECTION INFORMATION--FAR 3.104.
- Don't use abbreviations or acronyms.
- Type the required information in a brief

paragraph(s).

(d) Required content. **(Contracting officers must comply with all items listed below except obvious PM/AM items but PMs/AMs are only required to comply with those items marked with asterisks.)**

(1) DFARS 205.303(a)(D) requires, as a minimum, the following:

- \*Contract data. Contract/order/modification number, face value of this action, total cumulative face value of the contract, description of supplies/services, & contract type. If foreign military sales (FMS), identify the FMS customer.

- \*Competition information. Number of solicitations mailed and number of offers received.

- \*Contractor data. Name, address, and place of performance (if significant work is performed at a different location).

- Funding data. Type of appropriation, fiscal year, and whether the contract is multiyear (See FAR 17.1).

- Miscellaneous data. Contracting officer must identify their name, contracting office, telephone number, e-mail address, known congressional interest and the information release date. \*PM/AM must identify their name, telephone number and e-mail address.

(2) Additional DISA items required:

- Specify how competed (full and open competition, full and open competition after exclusion of sources or other than full and open competition (FAR Part 6)).

- Specify business size (large business, small business, small disadvantaged business, women-owned small business, etc. (FAR Part 19)).

- When reporting classified contractual actions, make sure your Report/Notification doesn't contain any classified information.

- Contracting officer must include contract award date. (Don't include "**on or about**" dates--dates must be definite.) \*PM/AM must include pending contract award date.

(e) Procedures.

(1) Electronic submission is required using signed/encrypted e-mail (no attachments). See DISAI 630-230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

(2) The contracting officer must prepare/submit the Report in sufficient time so that it is received by the DISA PAO, DISA General Counsel and D4 at least 2 workdays before the pending award date. The

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

PM/AM must prepare/submit the Notification in sufficient time so that it is received by D4 at least 2 workdays before pending award date.

(3) The HCA submits the Report (DARS 5.303-90(a)) concurrently to the DISA PAO, DISA General Counsel and D4. The PM/AM submits the Notification (DARS 5.303-90(b)) to D4. D4 forwards the HCA's Report or PM/AM's Notification to D/DV. D/DV may elect to notify to Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (ASD (C3I)).

(4) The PAO shall notify the Office of the Assistant Secretary of Defense (Public Affairs) and DISA General Counsel shall notify Congress. The DISA General Counsel shall coordinate reports of contractual actions with DISA Congressional Affairs before release to Congress to the extent possible.

### **SUBPART 5.4--RELEASE OF INFORMATION**

#### **5.404-1 Release procedures.**

(a) The Agency Competition Advocate is authorized to release long-range acquisition estimates (LRAEs).

**PART 6**  
**COMPETITION REQUIREMENTS**

*Revised 7 February 2001 DISA AC 97-21*

**SUBPART 6.1—FULL AND OPEN COMPETITION**

**6.001 Applicability.**

(S-90) Summary of acquisitions that don't require written justifications or determinations discussed under this part (See each FAR reference listed below for specific policy.):

Exceptions listed under FAR 6.001  
When using competitive procedures (FAR 6.102)  
Set-Asides for Small Business (SB) Concerns (FAR 6.203)  
Section 8(a) Competition (FAR 6.204)  
Set-Asides for HUBZone SB Concerns (FAR 6.205)  
Exceptions listed under FAR 6.302-5(c)(2)(i) & (ii)  
(Limitations)

(S-91) See DARS 1.104 for policy regarding external customers.

**SUBPART 6.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES**

**6.202 Establishing or maintaining alternative sources.**

(b)(1) Approval authority for determinations and findings (D&Fs) under this subpart follows:

<u>Dollar Threshold</u>	<u>Approval Authority</u>
\$0 - \$50M	HCA or designee
Over \$50M	Senior Procurement Executive (SPE)

Note: See DFARS 206.2 for format. Local counsel (closest geographically) and procuring activity competition advocate review is required before approval. When the SPE is the approval authority, D4 coordination is required. Provide the Agency Competition Advocate with a copy of the approved D&F.

**SUBPART 6.3—OTHER THAN FULL AND OPEN COMPETITION**

**6.302-4 International agreement.**

(c) Limitations. The document described in DFARS 206.302-4(c) shall only suffice in cases when the host country requests and documents in the agreement the specific company and supplies/services to be procured. If a proposed acquisition is to support NATO, then the agreement must state the specific company and supplies/services being procured.

**6.302-7 Public Interest**

(c)(1) Follow the format under FAR 1.7 for the written determination. Approval authority for D&F follows:

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

- Secretary of Defense (see DFARS 206.302-7)
- Required coordination: D4, Agency Competition Advocate, GC, SPE and Director, DISA
- Provide the Agency Competition Advocate with a copy of the approved D&F.

(3) If a justification is required to support the determination, follow DARS Part 6.

### **6.303-1 Requirements.**

(a)(3) Upon request, PMs/AMs must be prepared to provide the Office of the Chief Information Officer (OCIO), DISA copies of approved Justification and Approvals (J&As) for Information Technology (IT)/National Security System (NSS) IT acquisitions with a total estimated cost >\$3M that fall under OASD(C3I) review/approval (see DARS Part 39).

(b) Requirements certification - Only the head, or if absent, the acting head (e.g., Deputy Director, Program Director, DECC Director) of the requiring office may certify the requirement. Technical certification shall be one level below the individual responsible for requirements certification.

(d) The contracting officer shall provide copies of J&As through the HCA directly to the OUSD (AT&L) DP, Foreign Contracting Office whenever J&As cite the authority of FAR 6.302-3(a)(2)(i) or 6.302-7 as a basis for not providing for full and open competition in procurements subject to the Trade Agreements Act. The office listed above shall provide copies to the Office of the United States Trade Representative as required by FAR 6.303-1(d). Foreign Contracting Office web address is <http://www.acq.osd.mil/dp/fc/>.

(S-90) The requirements office, in close coordination with the contracting officer, shall develop the justification using the required format set forth in DARS 6.303-90.

(S-91) For justifications exceeding \$50M, the contracting officer shall coordinate with the Procuring Activity Competition Advocate, and obtain all required signatures before submission through the Agency Competition Advocate and D4 for SPE approval.

(S-92) The contracting officer shall provide the Procuring Activity and Agency Competition Advocates with a copy of all approved J&As.

(S-93) For each acquisition covered by a class justification, the contract file must include a duplicate original copy, including the signature page, of the class justification or a statement referring to its location.

(S-94) Review/signature by counsel for legal (closest geographically) sufficiency is required on all justifications.

### **6.303-2 Content.**

- (a) Each justification shall also include:

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

(S-90) A statement of delivery schedule and/or period of performance inclusive of all options and the life-cycle cost of the acquisition.

(S-91) If an acquisition plan (AP) is required, reference the approved AP (DARS Part 7). Attach a copy of the approved AP to each justification requiring the SPE approval. In addition, identify the title of the applicable DISA Program Plan and date approved.

(S-92) Discuss compliance with Information Technology (to include NSS IT), Information Management (IM), and Information Assurance (IA) requirements. If the effort is at or above \$3M, discuss OASD (C3I) IT reporting requirements (see DARS Part 39).

### **6.303-90 Format.**

(a) All items shall be included in the sequence set forth in FAR 6.303-2 and DARS 6.303-2. Those items determined to be not applicable should state "not applicable" with a brief supporting rationale unless the reason is self-evident.

(b) Certification, legal sufficiency and approval signatures shall be provided on a separate sheet of paper at the end of the text as set forth below. This is done to facilitate making changes to the J&A without them impacting the signature page.

(c) If changes occur after approval and the estimated value/scope is within the approving official's authority, amend the J&A and consult with signing parties to see if their signatures are still valid.

(d) If changes occur after approval and the estimated value/scope exceeds the approving official's authority, an amended J&A is required with a new signature page. Coordinate with the original approving official and attach the original signature page to the amended J&A.

(e) Identify changes by change lines in the right margin.

(f) The procedures are set forth in the "Justification and Approval Deskbook," listed in Appendix A.

(g) Electronic submission is required. If needed, use signed/encrypted e-mail. See DISAI 630-230-30 for e-mail security practices for electronic transmission of sensitive but unclassified information. The required format is set forth on the next page.

**REQUIRED FORMAT**

Header (Format) **(Required on each page of the J&A):**

Originator's Code

Complete Procurement Request Number

**JUSTIFICATION AND APPROVAL  
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION**

Upon the basis of the following justification, I, as \_\_\_\_\_  
\_\_\_\_\_ (fill in the appropriate approval authority), hereby  
approve the use of other than full and open competition of the proposed  
contractual action pursuant to the authority of 10 U.S.C. 2304( )( ).  
(Insert appropriate statutory authority (exception) permitting other  
than full and open competition; use only **one** exception per J&A.)

**JUSTIFICATION**

1. **Agency and Contracting Activity.**
2. **Nature/Description of Action(s).**
3. **Description of Supplies/Services.**
4. **Identification of Statutory Authority.**
5. **Demonstration of Contractor's Unique Qualifications.**
6. **Commerce Business Daily (CBD) Announcement/Potential Sources.**
7. **Determination of Fair and Reasonable Cost.**
8. **Description of Market Research.**
9. **Any Other Supporting Facts.**
10. **Listing of Interested Sources.**
11. **Actions Taken to Remove Barriers to Competition.**
12. **Statement of Period of Performance and/or Delivery Schedule.**
13. **Reference to the Approved Acquisition Plan (AP)/Program Plan (PP).**
14. **Reference to Information Technology (IT) (includes National Security System IT), Information Management (IM), and Information Assurance (IA) Requirements.** NOTE: STOP HERE and start a separate page for certifications/approvals.



**TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b), DFARS 206.303-1 and DARS 6.303-1(b))**

I certify that the facts and representations under my cognizance which are included in this justification and which form a basis for this justification are complete and accurate.

**Technical Cognizance:**

**Signature:** \_\_\_\_\_

Printed/Typed Name and Title	Code	Phone	Date
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**Requirements Cognizance:**

**Signature:** \_\_\_\_\_

Printed/Typed Name and Title	Code	Phone	Date
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**REVIEW FOR LEGAL SUFFICIENCY (DARS 6.303-1 (S-94))**

This justification is determined legally sufficient.

**Signature:** \_\_\_\_\_

Printed/Typed Name and Title	Code	Phone	Date
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**CONTRACTING OFFICER CERTIFICATION (FAR 6.303-1(a), 6.303-2(a)(12))**

I certify that this justification is accurate and complete to the best of my knowledge and belief. (Add the following and delete the "APPROVED BY" block below if this certification is also serving as approval: "Since this effort does not exceed \$500K, this certification serves as APPROVAL (FAR 6.304(a)(1)).")

**Signature:** \_\_\_\_\_

Printed/Typed Name and Title	Code	Phone	Date
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**APPROVED BY: (FAR 6.304 and DFARS 206.304)**

**Signature:** \_\_\_\_\_

Printed/Typed Name and Title	Code	Phone	Date
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**ALL QUESTIONS REGARDING THIS J&A ARE TO BE REFERRED TO (INSERT THE NAME/CODE/PHONE NUMBER OF THE APPROPRIATE POINT OF CONTACT.)**

**6.304 Approval of the justification.**

(a) The justification for other than full and open competition shall be approved in writing. Thresholds/authorities follow:

<u>Dollar Threshold</u>	<u>Approval Authority</u>
\$0 - \$500K	Contracting Officer
Over \$500K - \$10M	*Procuring Activity Competition Advocate
Over \$10M - \$50M	HCA or designee
Over \$50M	**SPE

***\*The Procuring Activity Competition Advocate's authority isn't delegable. But, the HCA or SPE can approve J&As at this level.***

***\*\*Classified J&As over \$500K - \$50M are approved by the SPE unless otherwise directed.***

(c) Class justifications shall be approved in the same manner as individual justifications. The cumulative dollar value of all actions (base year and options) contemplated shall be used to determine the approval authority.

(S-90) If the dollar value at the time of contract award exceeds the dollar value approved, revise the existing J&A or initiate a new J&A. If revising the J&A, consult all signatories to validate their signatures.

**PART 7**  
**ACQUISITION PLANNING**

*Revised February 2001 DISA AC 97-24*

**SUBPART 7.1--ACQUISITION PLANNING**

**7.107 Additional requirements for acquisitions involving bundling of contract requirements.**

(a) If bundling of contract requirements is planned, the Program Manager (PM)/Acquisition Manager (AM) must conduct market research to determine whether bundling is necessary and justified in accordance with FAR 7.107.

(f) The contracting officer, using information provided by the PM/AM must include appropriate justification for bundling in the acquisition plan (AP) or when an AP isn't required, for inclusion in the appropriate DISA Program Plan (DARS Subpart 7.90).

(h) When planning to bundle a contract requirement in accordance with OMB Circular A-76 (see FAR 7.3) and if a cost comparison has been performed under OMB Circular A-76 procedures you only have to comply with the FAR 7.107(e) requirements.

**SUBPART 7.3--CONTRACTOR VERSUS GOVERNMENT PERFORMANCE**

**7.301 Policy.**

(a) DISA requirements offices shall examine all options and perform all mission responsibilities and functions using their own resources to the maximum extent practicable. DISA may consider the outsourcing of services when: performing noncore responsibilities and functions; and, performing mission responsibilities for short-term or time-critical periods while developing in-house resources.

(b) DISA's point of contact for matters under this subpart is the Management Analysis and Internal Controls Division (DC4).

**7.306 Evaluation.**

(a) (3) Upon completion of final Government review of the cost comparison form under FAR 7.306, including resolution of any request under FAR 7.307 (Appeals), the Head of the Contracting Activity (HCA) makes the final determination for performance by the Government or under contract and provides written notification to the contracting officer.

(b) (3) Upon completion of the public review period under FAR 7.306 and resolution of any questions raised under FAR 7.307, the HCA shall provide the contracting officer written notification of the final cost comparison decision.

**7.307 Appeals.**

(a) DISA shall follow the procedures set forth in OMB Circular A-76, Revised Supplemental Handbook dated March 1996, Chapter 3 (Cost

Comparisons), Section K (Appeals of Tentative Waiver and Cost Comparison Decisions). Vice Director (DV) provides informal administrative review of the initial cost comparison result.

(b) The contracting officer shall forward requests to D4; D4 coordinates the review with Codes DC4 and DV.

## **7.5--INHERENTLY GOVERNMENTAL FUNCTIONS**

### **7.503 Policy.**

(e) The PM/AM is the designated requirements official responsible for meeting the requirement under this subpart. The PM/AM can meet this requirement by including a written statement (see FAR 7.503) in the AP or providing the statement as an attachment to the statement of work. Disagreements regarding the determination shall be resolved by a contracting official one level above the contracting officer before issuance of a solicitation.

(S-90) Contracting officials should review progress reports to detect whether the contractor may be performing inherently governmental functions.

## **SUBPART 7.90--ACQUISITION AND PROGRAM PLANS**

### **7.9000 Definitions.**

Acquisition. Acquisition as used in this supplement has the same meaning as stated in FAR 2.101. Acquisition begins at the point when agency needs are identified and ends with contract closeout.

Acquisition Liaison (AL). See DARS Part 2 for definition. For a list of ALs, go to <http://www.disa.mil/d4/newacquisitionliaisons.shtml>.

Acquisition Plan (AP). A comprehensive plan for fulfilling DISA's needs with a specific contract or group of contracts in a timely manner and at a reasonable cost. An AP addresses all the technical, business, management, overall acquisition strategy and other significant considerations that will control **a single acquisition** (plan of action) **or multiple acquisitions** (plans of action) grouped together forming an enterprise-wide acquisition strategy for a requirement.

Acquisition Strategy Committee (ASC). The ASC assists the requirements office by helping them formulate efficient, effective and appropriate acquisition strategies to meet DISA's needs within resource constraints and help ensure their compliance with regulations and law. The names, codes and document distribution for ASC meetings is located at <http://www.disa.mil/d4/ASCpartlist.pdf>.

Class of Actions. More than one plan of action under an AP that have identical/similar requirements.

DISA Program. A directed, funded *logical grouping of requirements* designed to provide a new, improved, or continuing capability in response to validated operational need.

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

DISA Program Plan. A budgetary/acquisition plan of all actions supporting a specific DISA Program for any given fiscal year (FY). The ASC in conjunction with the Budget Review Committee (BRC) is the forum for obtaining program plan approval (see DARS 7.9008 - 7.9013). Reference: DISAI 200-220-7 (Boards and Committees, DISA Corporate Board Structure).

Information Technology (IT) Acquisition (DARS Part 39). Acquiring IT, including National Security System (NSS) IT, by any method including contract, grant, cooperative agreement, international agreement, interagency [Economy Act] orders (see DARS 17.5) or any "other transactions."

Integrated Product Team (IPT). A cross-functional team formed for the specific purpose of delivering a product for an external or internal customer.

Program Manager (PM)/Acquisition Manager (AM). Used throughout this part and is synonymous with action officer, project manager and systems manager. The PM/AM "champions" the acquisition throughout the acquisition planning process.

### **7.9001 Acquisition planning policy.**

(a) DISA contracting offices shall be used to support DISA requirements to the maximum extent practicable (see DARS Parts 2 & 17). For more information about DISA contracting offices, go to <http://www.ditco.disa.mil/Default.asp>.

(b) Contractors may advise on and draft acquisition planning and contractual documents. But, Agency personnel shall determine specific decisions (i.e., contract type, evaluation factors, etc.) and the final content of such documents (FAR 7.5).

(c) The cognizant PM/AM is designated the "planner" for acquisitions in accordance with FAR 7.103(f) & (g). The PM/AM is responsible for ensuring that the principles of acquisition planning (FAR Part 7) are used, as appropriate, for those acquisitions that don't require a written AP as well as for those that do (see DARS 7.9002).

(d) For DISA requirements, ALs located within each directorate shall work with their respective PM/AM to meet the requirements of this subpart.

(e) The PM/AM shall coordinate acquisition plan content with the appropriate cross-functional experts (see below). The preferred method for coordination is forming an Integrated Product Team (IPT) as soon as an Agency need is identified for developing the AP. The intent is not to enforce formal IPTs (charters) but to enforce "cross-functional teaming." Depending on the complexity of the requirement, the PM/AM may choose to use Groupware, working groups, etc. for coordinating the content of an AP.

Cross-functional experts, responsible for significant aspects of the acquisition, are representatives from contracting, financial (resource managers), legal, logistics, technical, SADB Office, Agency

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

Competition Advocate, Information Systems Security Manager (ISSM)/Information Systems Security Officer (ISSO), Information Management Officer (IMO)/Information Management Representative (IMR), OCIO, and ASC Chair.

(f) The ASC Chair must approve the attendance of any contractor at an ASC meeting. The ASC does not approve requirements, funding or contracting actions. The ASC Chair on a case-by-case basis determines the extent of ASC review. For example:

- (1) Full-panel ASC - ASC meeting with all ASC members.
- (2) Deskside - ASC meeting with limited ASC members.
- (3) Electronic Deskside - No ASC meeting required.

(g) When a written Acquisition Plan (AP) is required, ASC Chair review of the AP/major AP revision is required before releasing a draft request for proposal or holding a presolicitation or preproposal conference (DARS Part 15.201(f)).

(h) AP (including major revisions) approval is required before solicitation release.

(i) On rare occasions, the ASC Chair may waive AP requirements of detail and formality as necessary (see FAR 7.103(k)). For example, if a planned contract meets the criteria under FAR 6.302-2 (Unusual and compelling urgency) you would seek ASC review **before** release of the solicitation and follow-up with a formal AP/obtain approval at a later date.

### 7.9002 AP thresholds.

(a) Written APs shall be prepared for the following:

New contracts  $\geq$ \$5M  
New IT sole source contracts  $\geq$ \$3M (non-IT sole source contracts fall under the  $\geq$ \$5M threshold)

(b) Clarifications:

(1) New contracts includes DISA blanket purchase agreements (BPAs). An order under a DISA basic ordering agreement (BOA) is considered a contract and if the order exceeds the thresholds above, an AP is required.

(2) Sole source contracts (Other than Full & Open Competition) include out-of-scope contract modifications for additional supplies/services and if the modification exceeds the thresholds above, an AP is required.

(3) The threshold for IDIQs is based on the total estimated value of the basic contract (base year plus options).

(4) An AP with multiple acquisitions would be appropriate when you have a group of contract actions each exceeding the AP thresholds above but supporting the same requirement. For example: The requirement calls for three new competitive IDIQ contracts, one for \$5M, one for \$6M and one for \$7M. This eliminates preparing a separate

AP for "each" of the three planned contracts. This would minimize review/approval and streamline the DISA acquisition process.

**7.9003 Required AP signatures/coordinations.**

a. AP Signatures.

- Cognizant PM/AM
- Head of the requirement's office or designee
- Contracting Officer
- Vice Director (Approving Official)

b. AP required coordination on DISA Form 9.

- AL
- Agency Small and Disadvantaged Business Utilization Officer or designee
- Agency Competition Advocate or designee
- Chief Information Officer or designee - Coordination required when a single planned IT/NSS IT acquisition's total estimated IT cost is *at or above \$3M for other than full and open or at or above \$30M for competitive.*
- ASC Chair
- D4

**7.9004 AP procedures.**

(a) Deputy Director, Acquisition, Logistics, and Facilities (D4) prescribes procedures for acquisition planning following FAR 7.103 and DFARS 207.103 that are consistent with the guidelines provided therein.

(b) Format, content and additional guidance for APs are contained in the DISA Acquisition Planning Deskbook at <http://www.disa.mil/d4/newdsk.shtml> (Appendix A). In support of the AP, the PM/AM may be asked for a draft statement of objective/statement of work and/or cost estimates.

(c) Electronic submissions are encouraged. APs contain **source selection information** and must be protected and marked in accordance with FAR/DARS 3.104-5. Also, see DISAI 630-230-30 for *e-mail security practices* for electronic transmission of sensitive but unclassified information.

(d) See DARS Part 39.101(S-93) for IT/NSS IT AP requirements.

(e) By FAR 7.103(o), the determination of available Government expertise to evaluate proposals before soliciting for advisory and assistance services is required. The HCA has the authority to make this determination (see FAR Part 37). When this applies and an AP is required, address it in the AP.

**7.9005 AP approval process.**

(a) The Vice Director approves APs and major revisions to APs.

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

(b) As soon as a PM/AM has a new requirement that meets the threshold for requiring a written AP, the PM/AM obtains an AP tracking number from the ASC Chair's office and includes it on all subsequent correspondence relating to the AP, including the AP signature page.

(c) ASC Chair's office monitors and tracks all AP packages through approval/disposition.

(d) The PM/AM in close coordination with the contracting officer shall coordinate development of the AP package with the appropriate cross-functional experts discussed under DARS 7.9001(f) above. The PM/AM must try and resolve all issues before formal submission of the AP. Issues that can't be resolved will be raised to the ASC Chair for resolution.

(e) After AP development, the PM/AM prepares/submits the AP via the DISA Form 9 for formal coordination/approval. At a minimum, the DISA Form 9 coordination shall include all required signatories/coordination listed under DARS 7.9003 above.

(f) Concurrent with submission of the DISA Form 9, the PM/AM shall contact the ASC Chair for a determination of the extent of ASC review needed. If a full-panel/deskside ASC (DARS 7.9001(f)) is required, the ASC Chair's office schedules the ASC meeting.

(g) In the event of a full-panel/deskside ASC meeting, the PM/AM distributes copies (unless previously provided) of the AP to all ASC members/participants (<http://www.disa.mil/d4/ASCpartlist.pdf>) in sufficient time for review before the ASC meeting.

(h) The PM/AM shall complete all ASC tasks before the ASC Chair submits for DV approval.

(i) After ASC Chair concurrence on the DISA Form 9, the ASC Chair's office coordinates and tracks the AP through DV approval. After AP approval, the ASC Chair's office provides the PM/AM a copy of the approved AP, keeps a copy, and gives the original approved AP to the contracting officer to be retained in the official contract file. AP approval establishes the AP Baseline.

### **7.9006 AP revisions.**

(a) PMs/AMs shall review approved APs annually and if appropriate, revise the AP (see FAR 7.104(a)). The PM/AM shall document this review in writing and send the original to the contracting officer for inclusion in the official contract file and send a copy to the ASC Chair's office. To ensure compliance with the FAR, the ASC Chair's office reminds the PM/AM of the anniversary dates of their annual reviews.

(b) PMs/AMs shall obtain AP revision (minor/major) tracking numbers from the ASC Chair's office. Revisions to the AP establish new AP baselines. Minor revisions may occur during annual review (DARS 7.9006(a)).

(c) Draft revisions will contain strikeouts, underline highlights and change pages with "revised lines (bars)" on the border of the text changed.



Each page revised will contain the revision number, including the signature page for major revisions.

(d) **Major revisions.**

(1) Major revisions require a new signature page/approval by the DV and depending on the magnitude of the revision may result in a new AP.

(2) The PM/AM shall follow the AP approval process for obtaining approval for major revisions. Examples follow:

- Funding increase/shortfall (above the AP thresholds under DARS 7.9002)
  - Includes modifications that breach AP thresholds (includes engineering change proposals)
- Change of scope
- Change in acquisition or technical strategy
- Change in funding types
- Key milestone slippage (1 quarter or more)
- Any significant breach and/or variance of an IT investment cost/schedule/performance baseline/agreement established in compliance with Clinger-Cohen Act and Government Performance Results Act (GPRA) (see DARS Part 39)

(e) **Minor revisions**

(1) Minor revisions don't require a new signature page; however, the PM/AM shall coordinate minor revisions with the AL, ASC Chair, and all other AP signatories.

(2) The PM/AM shall submit minor revisions as an enclosure to an interoffice memorandum, signed by the PM/AM to the ASC Chair and distribute copies to the AL and all other AP signatories. Examples follow:

- Funding increase/shortfall (below the AP thresholds under DARS 7.9002)
- Milestone slippage (less than 1 quarter)
- Change in key points of contact
- Recording historical information (e.g., After the award of a planned contract, revise the historical portion of the AP to document the award date, contractor, dollars obligated to date, etc.)

**7.9007 AP files**

(a) The PM/AM shall maintain a copy of APs/revision(s).

(b) The contracting officer shall ensure that the original approved AP and all its revisions become part of the official contract file. If an AP covers more than one plan of action (multiple acquisitions), at a minimum, a copy of the signature page and applicable plan of action shall become part of the official contract file for "each" plan of action awarded.

(c) The ASC Chair's office maintains copies of all approved APs/revisions.

**7.9008 DISA programs.**

A list of DISA Programs is included with the guidance for program plan submission provided by the ASC/BRC Chairs (see DARS 7.9009(b) below).

**7.9009 DISA program plans.**

(a) DISA program plans are required annually on a FY-basis for all DISA programs and when approved constitute the program execution baseline.

(b) The ASC/BRC Chairs provide detailed guidance, instructions, format, etc. for program plan packages in the June timeframe for the upcoming FY and for each subsequent Program Plan In-Process Review (IPR). The program plan package consists of a spreadsheet, slides, and Acquisition Information Sheet(s) (when appropriate).

**7.9010 Program plan approval.**

(a) The PM/AM is responsible for developing and maintaining program plans. The PM/AM must work closely with the acquisition liaison and resource manager throughout the process to ensure compliance with acquisition/budget regulations and policies.

(b) Before the ASC/BRC pre-brief discussed below, the PM/AM shall coordinate program plan content with representatives of the core functional members of the ASC/BRC (e.g., D4, resource manager, OCIO, Agency SADB Official, Agency Competition Advocate, DITCO (DITCO Procuring Activity Competition Advocate), GC, logistics, security and as required, other functional experts.). The PM/AM can use various methods to ensure program plan content is coordinated with all appropriate functional experts (e.g., informal IPT, Groupware, working groups, etc.).

(c) The PM/AM must ensure that all individuals involved in program plan coordination are given sufficient time for review/comment before the pre-brief. The PM/AM must try to resolve all issues before the ASC/BRC pre-brief. Issues that can't be resolved will be raised at the ASC/BRC for resolution.

(d) The PM/AM shall provide a pre-brief of the program plan to the ASC/BRC 2 to 3 weeks before briefing the Vice Director. Provide copies of the program plan to ASC/BRC members before the pre-brief in sufficient time for review (at least 2 days). If this isn't possible, provide copies at the pre-brief.

(e) The BRC Chair (DC) acts as Secretariat. The Secretariat is responsible for scheduling ASC/BRC pre-briefs and Vice Director briefs. The Secretariat is responsible for providing these schedules to all of the appropriate individuals and coordinating tasks and the final program plan package for the Vice Director's brief.

(f) Stakeholders having issues must contact/submit recommended revisions to the briefer within 3 working days after the pre-brief to ensure the PM/AM sufficient time to resolve issues and make any required revisions before the

brief to the Vice Director. Once complete, the PM/AM provides the program plan package to the ASC/BRC Secretariat in accordance with the guidance received from the ASC/BRC Chairs (see DARS 7.9009(b)).

(g) Major issues must be closed before DV approval. The ASC/BRC Secretariat records DV tasks, coordinates closure and resubmits the program package for final approval.

(h) After approval is obtained, the ASC/BRC Secretariat provides notification, at a minimum, to the PM/AM, ASC/BRC members, acquisition liaison and resource manager that program plan has been approved and can be accessed on a shared drive. In the event the shared drive isn't accessible, the ASC/BRC Secretariat shall provide copies. The ASC/BRC Secretariat maintains the official file for all approved program plans on a shared drive.

#### **7.9011 Program plan revisions.**

##### **(a) Major Revision**

(1) Major revisions are significant changes in the program execution baseline (approved program plan). Examples include (but not limited to):

- changes  $\geq$  \$5M
  - funding increases/shortfalls,
  - new contracting methods or changes to contracting methods (See DARS 7.9012 below for Acquisition Information Sheet requirement),
  - technical scope change,
  - reprogramming of funds, or
- key milestone slippage (1 quarter or more).

(2) PM/AM shall coordinate with appropriate core functional representatives of the ASC/BRC and other experts as required (see DARS 7.9010(b)). Required coordination for major revisions: ASC/BRC Chairs, CIO, Agency SADB Office, Agency Competition Advocate and DITCO. The ASC/BRC Secretariat facilitates submission for approval.

(3) Approved by the Vice Director.

##### **(b) Minor Revision**

(1) Examples of minor revisions include (but not limited to):

- changes  $<$  \$5M
  - funding increases/shortfalls,
  - technical scope change,
  - New contracting methods or changes to contracting methods (See DARS 7.9012 below for Acquisition Information Sheet requirements),
- milestone slippage (less than a quarter),
- realignment of cash transactions,

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

- reprogramming of funds, or
- any other change that requires revising the approved program plan that isn't considered a major revision.

(2) PM/AM shall coordinate with appropriate core functional representatives of the ASC/BRC and other experts as required (see DARS 7.9010(b)).

(3) To ensure that all acquisition considerations are met, all minor revisions that require completion of the Acquisition Information Sheet (see DARS 7.9012 below) for new contracting methods or changes to contracting methods shall be sent to the ASC/BRC Chairs for review/concurrence before ADD approval.

(4) Briefed during the next Program Plan IPR.

(c) The PM/AM must seek approval following the process above for revisions that affect the "current" quarter. But, the PM/AM may seek approval of revisions that impact subsequent quarters during Program Plan IPRs.

(d) Revisions establish new program execution baselines.

(e) Approval of program plans and major/minor revisions to those program plans **doesn't preclude** obtaining any other approvals required under separate policy, regulation or law (e.g., Determination and Finding for Economy Act orders, Justification and Approval for other than full and open competition, acquisition plan approvals, etc.).

### 7.9012 Acquisition Information Sheet (Appendix C to the DARS).

(a) Appendix C is required when a new contracting method or a change in a previously approved contracting method is required that exceeds the simplified acquisition threshold (\$100K).

(1) A ***new contracting method*** means a new requirement not previously supported. Contracting method categories include: DISA Contracts, MIPRs/ROs, and Federally Funded Research and Development Centers (FFRDCs). DISA Contract category includes: DISA contracts, task/delivery orders (including orders placed on another Agency's contract (e.g., GSA)), and internal transfers of funds (MIPRs coded "MZ"). MIPRs/ROs category includes funds provided to JITC, Reimbursable Work Authorizations (RWAs) and any other form used by DISA to transfer funds to another agency (outside DISA).

(2) A ***change in contracting method*** means a significant change to your approach. For example, DISA contract to MIPR; DEIS II to JSE; Army MIPR to Navy MIPR; small business to large business; competition to sole source, any significant breach and/or variance of an IT investment cost/schedule/performance baseline/agreement established in compliance with Clinger-Cohen Act and GPRA.

(b) Instructions for filling out the Acquisition Information Sheet are included in the document itself and in the guidance provided by the ASC/BRC Chairs (DARS 7.9009(b)). Acquisition Information Sheets are part of the program plan package.

### 7.9013 Program Plan In-Process Reviews (IPRs).

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(a) The ASC/BRC Secretariat schedules Program Plan IPRs and provides appropriate guidance, instructions, format, etc.



**PART 8**  
**REQUIRED SOURCES OF SUPPLIES AND SERVICES**

*Revised 15 August 2000 DISA AC 97-12*

**SUBPART 8.8—ACQUISITION OF PRINTING AND RELATED SUPPLIES**

**8.802 Policy.**

(b) DISA's central printing authority is Personnel and Manpower (Code D1), who serves as a liaison with the Congressional Joint Committee on Printing (JCP) and the Public Printer on matters relating to printing. The contracting officer in conjunction with the requirements office shall obtain approval from Code D1 before contracting in any manner. Code D1 determines whether the job can be done by DISA or must be contracted out.

(S-90) Contractor printing and duplication is limited to the minimum number of copies needed to review each contract deliverable, as specified in the Contract Data Requirements List (CDRL). The Government does not reimburse the contractor for copies in excess of the quantities specified in a CDRL. Deliverable quantities shall be only the minimum needed by the Government to review, reject, or accept the product. Contractor printing and duplication must comply with the referenced legislation, statute, and the *Government Printing and Binding Regulations*, published by the JCP.

(S-91) To ensure compliance with these restrictions, requiring offices are responsible for including these printing and duplication limits in the statements of work for new acquisitions, as well as existing contracts. Modification of existing contracts are subject to the "Changes" clause of the contract.

(S-92) The following are exceptions to this policy:

- (1) Classes of work considered urgent or necessary by the JCP;
- (2) Printing in field printing plants operated by Executive Departments;
- (3) Individual printing orders costing not more than \$1,000 if the work is not of a continuous or repetitious nature and certified by the Public Printer, Government Printing Office;
- (4) Printing for various intelligence agencies; and
- (5) Printing from other sources specifically authorized by Section 207, Legislative Branch Appropriation Act, 1993, Pub.L. No. 102-392, 106 Stat 1703, 1719-20 (Oct. 8, 1992).

**SUBPART 208.70--COORDINATED ACQUISITIONS**

**208.7005 MIPRs**

(S-90) MIPRs (DD Form 448/448-2) coded **"MZ"** used to transfer funds within DISA (e.g., transfer of funds from one DD to DITCO-Scott or from one DD to another).

- DARS 17.5 (Interagency Acquisitions Under the Economy Act) **doesn't apply** to MIPRs coded "MZ."

(S-91) MIPRs (DD Form 448/488-2) used in accordance with DFARS 208.7004/7005 are coded **"MR."**

- The Economy Act may apply to MIPRs coded "MR" and Reimbursable Agreement/Order for Services between Federal Agencies (ROs) (DISA Form 125). See DARS 17.500(b) (S-93) and DARS Appendix D (Considerations for Determining Economy Act Applicability) for applicability. Points of contact: Agency Competition Advocate for D&Fs for Economy Act orders and DC4 for support agreements.

(S-92) If you're acquiring Information Technology (IT) including National Security System (NSS) IT, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD (C3I)) reporting requirements apply if you meet or exceed the thresholds at DARS 39.101(S-93). Points of contact: Information Management Officer/Information Management Representative and/or Information Systems Security Manager/Information Systems Security Officer.

(S-93) DISA's versions of the DD Form 448 and DD Form 448-2 are available at DISANet, Standard Applications, FORMS, Other Forms, **LD 448 & LD 448-2**.

(S-94) The requirements office is responsible for originating MIPRs/ROs and ensuring all required documents are complete/approved (e.g., D&F for Economy Act orders, support agreement, etc.) **before** submission to resource managers for funding cites. You must attach all required documents to MIPRs/ROs (unless previously provided) and include mailing/handling instructions for the office of execution (e.g., indicate which documents need to be mailed with the MIPR/RO).

(S-95) The requirements office shall process all MIPRs/ROs with the DISA Form 1 (see DARS Part 53/instructions to DISA Form 1). To avoid the possibility of double billing, **don't** fill out blocks 11A through D of the DISA Form 1 (funding information/certification). Instead, type "see MIPR" or "see RO." *You can't under any circumstances replace the MIPR/RO with the DISA Form 1.*

(S-96) When support agreements are required, include the DISA support agreement number on the MIPR/RO.

(S-97) Resource managers must check to make sure that support agreement numbers are cited (when applicable) **before** sending to the office of execution for certification.



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(S-98) The office of execution shall not execute MIPRs/ROs without copies of all required documents/approvals. When D&Fs/support agreements are required, a copy **shall** be sent to the servicing agency as an attachment to the MIPR/RO in accordance with DARS 17.504-90 unless the servicing agency previously received copies.



**PART 9**  
**CONTRACTOR QUALIFICATIONS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 9.2—QUALIFICATIONS REQUIREMENTS**

**9.202 Policy.**

(a) (i) The HCA has been delegated the authority to justify pre-award testing or other quality assurance (QA) qualifications requirements.

**9.206 Acquisition subject to qualifications requirements.**

**9.206-1 General.**

The HCA is authorized to make determinations that an emergency exists pursuant to FAR 9.206-1(b) in the event that the Agency does not elect to enforce a qualification requirement which it established.

(b) The HCA has been delegated the authority to grant emergency waivers of pre- or post-award testing or other QA qualification requirements previously established.

**SUBPART 9.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY**

**9.406-3 Procedures.**

(a) Investigation and referral. Refer any matter that may be a cause for debarment to the HCA. The HCA shall (1) consult with DISA General Counsel regarding an appropriate investigation method, (2) request an investigation by the Department of Defense Inspector General or other office, and (3) if warranted by the results of the subsequent investigation, prepare a formal recommendation to debar for and submit the recommendation to the debarment official (DISA General Counsel).

(b) Decision making process. Based on a review of the recommendation to debar, General Counsel initiates proposed debarment by taking the actions listed in FAR 9.406-3(c). The contractor shall be given an opportunity to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment. For actions listed in FAR 9.406-3(b)(2), the contractor shall be given the opportunity to make a presentation of matters in opposition, as provided in FAR 9.406-3(b)(2)(i). The presentation shall be conducted before General Counsel or a designee. If the contractor's presentation of matters in opposition raises a genuine dispute over material facts, DISA General Counsel may withdraw the proposed debarment or require additional fact-finding which shall be conducted in accordance with the principles in FAR 9.406-3(b).

**SUBPART 9.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST**

**9.503 Waiver.**

The HCA is authorized to approve the waiver of any general rule or procedure of FAR Subpart 9.5, subject to prior consultation with DISA General Counsel.

**PART 10**  
**MARKET RESEARCH**

*Revised 20 January 2000 DISA AC 97-14*

**RESERVED**

The following web addresses may assist you with your market research:

- i-MART - <http://www.imart.org> - A Market Research Tutorial is available at this web address (provides a lot of information on how to conduct market research).
- Navy Acquisition Reform - <http://www.acq-ref.navy.mil/marketresearch/index.html>
- NASA - <http://ec.msfc.nasa.gov/hq/library/market.htm>
- SBA PRO-Net - <http://pro-net.sba.gov>
- Company Profiles - <http://www.clickit.com/touch/profiles/register.htm>



**PART 11**  
**DESCRIBING AGENCY NEEDS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 11.6—PRIORITIES AND ALLOCATIONS**

**11.603 Procedures.**

(c) (3) Contracting officers are authorized to sign rated orders.

(e) The HCA (or designee no lower than the head of a contracting office) has been delegated the authority to:

(S-90) Apply DO (critical to national defense) and DX (highest national urgency) priority ratings to contracts/orders or any other acquisition instrument for DoD and other programs authorized for priorities and allocations support.

(S-91) Apply DO and DX ratings to orders for delivery of production or construction equipment required to support DoD and other programs authorized for priorities and allocations support.

(S-92) Apply DO and DX ratings to contracts/orders or any other acquisition instrument for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside the continental United States.

(S-93) Make allotments of controlled materials and to apply allotment numbers to ratable contracts/orders or any other acquisition instruments within the allotment jurisdiction of DoD.

(f) If a priority rating is required, the acquisition manager must obtain the appropriate rating from the HCA or designee to be included on the Form 1 prior to submission to contracts.

(S-90) In order to include a priority rating in a contract/order or any other acquisition instrument, the contracting officer must obtain the rating from the Form 1.

(S-91) Contracting officers and acquisition managers must be knowledgeable of the policies and procedures set forth in the Defense Priorities and Allocations System (DPAS).





**PART 12**  
**ACQUISITION OF COMMERCIAL ITEMS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 12.2—SPECIAL REQUIREMENTS FOR THE ACQUISITION OF COMMERCIAL  
ITEMS**

**12.206 Use of Past Performance.**

For options, comply with DARS 17.207-90.

**SUBPART 12.3—SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION  
OF COMMERCIAL ITEMS**

**12.302 Tailoring of provisions and clauses for the acquisition  
of commercial items.**

(b) (S-90) See FAR 33.203(b) for applicability of Contracts Dispute  
Act of 1978.



**PART 13**  
**SIMPLIFIED ACQUISITION PROCEDURES**

*Revised 21 November 2000 DISA AC 97-18*

**13.001 Definitions.**

See the DISA Commercial Purchase Card Program Deskbook for definitions of terms used under Subpart 13.3-90 (<http://www.disa.mil/d4/newdsk.shtml>).

**SUBPART 13.90--GOVERNMENTWIDE COMMERCIAL PURCHASE CARD**

**13.9000 General.**

(a) References:

- FAR Part 29 (Taxes)--If needed, the DISA Deskbook (next reference) provides clarification.
- DISA Commercial Purchase Card Program Deskbook (see web site above)
- DoD Purchase Card Program Management Office (<http://purchasecard.sarda.army.mil>)

(b) Using the Governmentwide commercial purchase card to acquire and pay for supplies and services doesn't "exempt" us from the Economy Act. See FAR/DARS 17.5 for Economy Act applicability.

(c) The DITCO HCA shall provide D41 access to a current, centralized electronic database that contains a list of all DISA billing officials and cardholders, to include their codes/locations and authority limitations. If no such database exists, the DITCO HCA shall provide no later than the first week of each new calendar year an annual report that includes the above information and timely notice of any changes.

**13.9001 Authority.**

(a) The DITCO HCA or designee authorizes issuance of Governmentwide commercial purchase cards for DISA.

Issuance of Governmentwide commercial purchase cards is limited to DISA personnel. DISA personnel shall use only Governmentwide commercial purchase cards issued by the DITCO HCA or designee.

(b) Governmentwide commercial purchase cards shall only be used by the cardholder whose name appears on the card.

(c) Delegations of procurement authority for Governmentwide commercial purchase card issuance aren't restricted by personnel classification series.

(d) The authorized single purchase limit is subject to the following:

(1) \$2,500 or less requires a written delegation by the DITCO HCA or designee, in accordance with FAR 1.603-3(b).

(2) \$2,501 - \$100K requires DITCO HCA issuance of an SF 1402, Certificate of Appointment (Contracting Officer Warrant) in accordance with FAR 1.603-3(a).

#### **13.9002 Procedures.**

The DITCO HCA is responsible for developing/maintaining procedures (DISA Deskbook) in accordance with DARS 1.304. The Governmentwide commercial purchase card Deskbook entitled "Commercial Purchase Card Program" is located at the web site provided above.

#### **13.9003 Training.**

(a) Governmentwide commercial purchase card procedures must contain mandatory training requirements for both cardholders and billing officials. Training is required before card distribution and use and before a billing official assumes the duties of that position.

(b) Mandatory refresher training is required every 2 years, or more often, as required to ensure the cardholder is proficient and knowledgeable with current policies and procedures. Continued use of the card shall be contingent upon completion of required training.

#### **13.9004 Unauthorized purchases or careless use of the Governmentwide commercial purchase card.**

(a) DISA shall not be liable for any unauthorized use of the Governmentwide commercial purchase card. "Unauthorized use" means the use of a Governmentwide commercial purchase card by a person other than the cardholder, who does not have actual, implied, or apparent authority for such use, and from which the cardholder receives no benefit.

(b) Appropriate administrative, disciplinary, civil, or criminal action may be taken against any cardholder who makes unauthorized purchases or fails to properly protect the card from unauthorized use.

(c) Any unauthorized use or failure to properly protect the card **shall** be reported **directly** to the DITCO HCA. The DITCO HCA shall notify D4 of any subsequent actions.

#### **13.9005 Prompt payment.**

(a) The DITCO HCA shall work closely with DFAS and the Agency Comptroller to ensure that proper controls are in place and enforced to avoid any late payment penalties under the Prompt Payment Act.

(b) If any penalties occur, the DITCO HCA must notify D4 as soon as possible.

### **SUBPART 13.5 TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS**

#### **13.501 Special documentation requirements.**

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(a)(ii) Follow DARS Part 6 and the J&A Deskbook (see Appendix A) if a justification and approval is required.



DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

**PART 14**  
SEALED BIDDING

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**





**PART 15**  
**CONTRACTING BY NEGOTIATION**

*Revised 7 February 2001 DISA AC 97-22*

**SUBPART 15.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION**

**15.201 Exchanges with industry before receipt of proposals.**

(f) When an Acquisition Plan (AP) is required (see DARS Part 7), ASC Chair review of the AP/major AP revision is required **before** releasing a draft request for proposal or holding a presolicitation or preproposal conference. In addition, see DARS 7.107 regarding OUSD(A,T&L), OSADBU review requirement for draft requests for proposals (solicitations) involving bundled contract requirements.

**15.203-90 Requests for proposals.**

a. Solicitation Review Board (SRB). Cross-functional IPT chartered by the ASC Chair when the Chair determines that a solicitation requires a more comprehensive review before release.

b. When a planned acquisition requires a more comprehensive review, the ASC Chair may charter an SRB to review a solicitation and all associated documentation prior to release. The Chair determines its membership and the PM/AM shall schedule and coordinate the review. The PM/AM shall distribute the following documents to each member in advance of the SRB (electronic submission is encouraged).

- (1) Request for Proposal (include Sections A - M)
- (2) SOO/SOW
- (3) DD 254
- (4) J&A, if applicable
- (5) Memorandum of Agreement, if applicable
- (6) All enclosures/attachments to the SOW, to include Contract Data Requirements List (CDRLs)/Data Item Description (DIDs), wage determinations, etc.
- (7) Cost Estimate/IGCE
- (8) Approved Acquisition Plan, if applicable
- (9) Approved Program Plan
- (10) Approved Source Selection Plan, if applicable
- (11) Acquisition Schedule

c. Specific written guidance from the Director/Vice Director on establishing or restructuring acquisitions, changing acquisition requirements, or implementing acquisition changes take precedence over decisions of the ASC.

**15.204-2 Part I--The Schedule.**

(c) To the maximum extent practicable, requirements should be defined as performance based specifications/SOWs/SOOs that focus on required outcomes or results, not methods of performance or processes.

**15.204-5(b) (S-90) Part IV--Representations and Instructions.**

To facilitate subcontracting/teaming, an administrative notice **may be** included in *Section L* of the solicitation. The notice should state that the source list would facilitate subcontracting/teaming on a program, if desired. The notice should also include the date, to which the list is current and any other information regarding handling of future updates to the list, if applicable.

### **SUBPART 15.3—SOURCE SELECTION**

#### **15.300 Scope of subpart.**

See DARS part 7 and AP/ASC Deskbook (Appendix A) for AP applicability/requirements.

#### **15.303 Responsibilities**

(a) D4 is designated the Source Selection Authority (SSA) for all contracts awarded by DISA over \$10 million except for telecommunications services procured through DISA's Inquiry, Quote, Order (IQO) process, or sensitive and classified acquisitions for which the Vice Director shall serve as SSA. In this position, D4 will also be responsible for validating the source selection process. In those instances where having D4 perform as SSA isn't feasible, you must advise the Senior Procurement Executive and obtain a written SSA appointment letter to cover this instance only. Coordinate with D4 on a case-by-case basis if an external customer prefers to retain SSA.

#### **15.304 Evaluation factors and significant subfactors.**

(c) (3) Under this part of the FAR, refer to the Eleanor R. Spector, Director, Defense Procurement (OUSD{A&T}) *class deviation*, 29 January 1999 (Subj: Class Deviation--Past Performance) The *class deviation* was effective immediately and will remain effective until further notice. The deviation contains thresholds associated with key business sectors for the *collection* and use of Past Performance Information (PPI). (Access the deviation at <http://www.acq.osd.mil/dp/dars/classdev.html>.)

We *generally* fall under the **Services and Information Technology** business sectors. So, PPI shall be evaluated in all source selections for negotiated competitive acquisitions **>\$1,000,000** unless the contracting officer determines that it is inappropriate and documents the rationale.

We encourage the use of PPI in source selections when considered by the source selection authority (SSA)/source selection team to be appropriate for acquisitions, regardless of the threshold. SSA definition is under FAR 15.303.

(d) Clearly, describe the approach you will use to evaluate past performance in the solicitation. For guidance, see references listed in DARS 15.305(a) (2) below.

#### **15.305 Proposal evaluation.**

(a) (2) *Past performance evaluation.*

You can find solicitation considerations, relationships of the SOW/SOO with Sections L and M, and practice tips and sample language relating to PPI issues in the following DISA Acquisition Deskbook (Attachment A):

Collecting and Using PPI Deskbook, Part II (Using PPI in Source Selections). For a comprehensive discussion on *using* past performance in source selections, you are encouraged to refer to the DOD Guide to Collection and Use of PPI.

(S-90) *Evaluation of a single proposal.*

(a) If only one proposal is received in response to the solicitation, the contracting officer shall determine if the solicitation was flawed or unduly restrictive and determine if the single proposal is an acceptable proposal. Based on these findings, the designated SSA (see DARS 15.303(a)) determines whether to continue with the procurement and proceed with one of the following:

(1) Award without discussions provided the contracting officer determines that adequate price competition exists (see FAR 15.403-1(c)(1)(ii));

(2) Award after negotiating a mutually acceptable contract. (The requirement for submission of cost or pricing data shall be determined in accordance with FAR 15.403-1); or

(3) Reject the proposal and cancel the solicitation.

(b) The procedure in paragraph (S-90)(a) above also applies when the number of proposals received equals the number of awards contemplated or when only one acceptable proposal is received.

**15.306 Exchanges with offerors after receipt of proposals.**

(d)(3)(S-90) Discuss contract terms and conditions so each offeror gets a "model" contract with the request for final proposal revision. Any proposed technical performance capability above those specified in the solicitation having value to the government and proposed for inclusion in an offeror's "model" contract shall not be discussed with other offerors. If the offeror declines to include these strengths in its "model" contract, the government evaluators will reconsider their characterization as strengths.

(S-91) In no case, relax or amend the solicitation requirements for any offeror, without amending the solicitation and permitting the other offerors an opportunity to propose against the relaxed requirements.

**15.307 Proposal revisions.**

(b)(S-90) Identify any remaining weaknesses;

(S-91) Instruct offerors to incorporate all changes to their offers resulting from discussions, and require clear traceability from initial proposals;

(S-92) Require offerors to complete and execute the "model" contract, which includes any special provisions or performance capabilities the offeror proposed above those specified in the solicitation;

(S-93) Caution offerors against unsubstantiated changes to their proposals; and

(S-94) Establish a page limit for final proposal revisions.

**SUBPART 15.4 - CONTRACT PRICING**

**15.404-1 Proposal analysis techniques.**

(c) (2) (iii) (D) *Independent Government Cost Estimates (IGCEs).*

(S-90) *Definitions.*

IGCE is a cost estimate developed by government technical personnel, based on the SOW/SOO (without the influence of potential contractors).

Resource Managers ensure and verify that resources are available in the budget/POM, and manage resources accordingly.

(S-91) *Policy.*

(a) IGCEs are part of the required documentation for ASC review (see DARS 7.9001). The DISA IGCE Deskbook (Appendix A) contains procedures/guidance for developing IGCEs.

(b) IGCEs must contain details for estimates. IGCEs aren't valid and aren't acceptable for ASC review or for contracting action without the backup details to demonstrate how the estimates were developed.

(c) Use "Fully burdened" labor (hour) rates unless more recent information is available or other sources of information (e.g., wage rate determinations from the Department of Labor).

(d) Resource Managers shall coordinate on IGCEs, prior to ASC review or submission of procurement requests to contracts.

(e) Contracting officers shall notify AMs of appropriate remedial action on contract price/IGCE deviations greater than 25 percent, or of any other indication of discrepancy between proposal and the basis for the IGCE (e.g., significant variation in labor mix). Remedial action may include changes to the SOW/SOO, formal discussions, resource reprogramming, amendment or cancellation, but does not include unjustified revision of the IGCE.

**15.406 Documentation.**

(S-90) The Commander, DITCO-Scott should establish a standard format for pre and postnegotiation business clearance memorandums (BCMs) for use throughout DITCO. The term BCM is a means of standardizing the *terminology*. BCMs must satisfy the requirements of FAR 15.406-1 - 15.406-3/DFARS 215.406-1 (pre-BCMs) and FAR 15.406-3/DFARS 215-406-3 (post-BCMs). The content, at a minimum, must contain all FAR/DFARS requirements. Each requirement must be discussed, in writing, and when a requirement doesn't apply, state so and why.

(S-91) *Requirements for pre- and post-BCM approvals.*

(a) *General.*

## DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

(1) The purpose of a BCM is to demonstrate that the proposed acquisition conforms to good business practices and is consistent with applicable acquisition laws, regulations, policies, and procedures.

(2) The BCM serves as the historical record of the business/pricing aspects of an acquisition and justifies, by written evidence, that the price established is fair and reasonable. The BCM must show all significant facts considered in reaching agreement as well as how the facts presented influenced estimated cost judgments.

(3) For competitive negotiated acquisitions, the BCM serves as the historical record of the source selection process, where factors in addition to price may serve as the basis for award.

(4) For proposed contractual actions to be made under the authority of FAR 6.2 or 6.3, no BCM shall be approved at any level until either the D&F required by FAR 6.202 or 6.302-7 is approved, or the justification required by FAR 6.303 is approved. But, see the exception at FAR 6.303-1(e) for justifications under the authority of FAR 6.302-2 (Unusual and Compelling Urgency).

### *(b) Waiver of pre- and post-BCM.*

(1) Requests for waiver of the requirements for pre-BCM approvals will not be granted.

(2) If the pre-negotiation objectives are met, the post-BCM can be waived. But, the requirements at FAR 15.406-3/DFARS 215.406-3 must be documented.

### *(S-92) Approvals/review.*

(a) The Commander, DITCO shall establish the appropriate BCM approval authority.

(b) If the contracting officer is negotiating the effort and preparing the BCM, the approving authority must be one level above.

(c) Code D4 has the authority to review any contractual action at any stage (pre- or post-award), including request for briefing by the cognizant contracting officer.

## **SUBPART 15.6—UNSOLICITED PROPOSALS**

### **15.606 Agency procedures.**

(a) & (b) All Heads of Contracting Offices (HCOs) (see DARS Part 2) shall establish procedures and contact points within their respective offices for the receipt and handling of unsolicited proposals.

(S-90) HCOs shall make available to potential offerors of unsolicited proposals the information required under FAR 15.604(a) on their respective web sites.

(S-91) If you receive an unsolicited proposal, don't discuss it with the submitter or duplicate, use or disclose any portion of the proposal to

anyone. **Immediately** give it to the closest geographically located contracting officer to avoid the risk of a ratification action.

(S-92) Contracting officers receiving unsolicited proposals must follow procedures within their respective contracting office.

**PART 16**  
**TYPES OF CONTRACTS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 16.1-SELECTING CONTRACT TYPES**

**16.102 Policies.**

(S-90) When providing "fair opportunity for consideration" under indefinite-delivery, indefinite-quantity multiple award contracts, each awardee shall be informed of any new requirement over \$2,500. This provides all awardees a chance to determine whether or not to respond to the Government's requirement.

(S-91) Task orders are defined by the particular requirement and not by the basic contract. Available information from the prime contract award is insufficient to make a downselect decision for any particular requirement. Each awardee's approach (cost and/or technical) to such a requirement is not known because the requirement is being published for the first time. Hence, it is necessary to notify each awardee of the requirement. This enables affected awardees to submit a proposal in the format specified in the requirement or to "no bid" the requirement.

(S-92) For all task orders, documentation of the fair opportunity process for consideration will be retained by the DISA requirements office and a copy included in the task order file. For orders directed to an individual contractor, the contracting officer shall ensure that the determination required by FAR 16.505(b)(2) is retained with the task order or contract file.

**SUBPART 16.5-INDEFINITE-DELIVERY CONTRACTS**

**16.505 Ordering.**

(b)(1) Procedures for selecting awardees for placement of orders ensures that any Agency requirement over \$2,500 is made known to all awardees. This may be accomplished through means such as written or documented telephonic notice to each awardee or through the posting of requirements on the Internet.

(b)(4) Code D4 has been delegated the Agency Ombudsman for Agency task and delivery order contracts. As a minimum, when reviewing contractor complaints, the Agency ombudsman ensures that the procedures contained in the contract are in consonance with Agency guidance concerning "fair opportunity."

**SUBPART 16.6--TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS**

**16.601 Time-and-materials contracts.**

(c) Limitations.

(1) (S-90) Contracting officers shall coordinate D&Fs on T&M contracts as well as the continued use of T&M contracts on annual determinations (or exercise of option years) with the HCA.

(S-91) The contracting officer is responsible for ensuring the sufficiency of the SOW prior to release of the solicitation. Review should also ensure that customer requirements that are submitted in the SOW do not include functions that are inherently governmental (FAR 7.105). If the contracting officer determines that the SOW is overly broad or otherwise inadequate, the contracting officer shall return the SOW and provide advice concerning necessary corrective actions. Poor acquisition planning is never an excuse for the submission of a poorly written or incomplete SOW.



**PART 17**  
**SPECIAL CONTRACTING METHODS**

*Revised 7 February 2001 DISA AC 97-23*

**SUBPART 17.1--MULTI-YEAR CONTRACTS**

**17.104 General.**

(b) The authority to modify requirements under FAR 17.104 provisions for multi-year contracts has been delegated to the HCA.

**17.106 Procedures.**

**17.106-3 Special procedures applicable to DoD, NASA, and the Coast Guard.**

(e) The authority to authorize recurring costs in cancellation ceilings for multi-year contracts has been delegated to the HCA.

**SUBPART 17.2--OPTIONS**

**17.207-90 Exercise of Options.**

(a) The requirements office will send the contracting officer a request to exercise an option and validate the requirement (statement of need).

(b) **Timeline:** The contracting officer must receive the request far enough in advance to allow sufficient time to send the contractor notice of intent to exercise the option (this information should be in your contract) under FAR 17.207(a) and before synopsis (FAR 17.207(c)(4)) if the synopsis of the option is necessary because the option wasn't previously addressed in the synopsis of the basic contract requirement.

(c) In addition to the statement of need, the request must include the following information:

(1) **Market Research.** Document all market research conducted and the results (FAR/DARS Part 10).

(2) **Past Performance.** Provide relevant *raw data* for past performance of the contractor (FAR/DARS Part 42.15)

(3) **Availability of Funds.** Provide evidence that funds will be available upon exercise of option (e.g., Program Plan).

(d) Required markings, centered, top/bottom: "SOURCE SELECTION INFORMATION--FAR 3.104"

(e) Electronic submission is required using signed/encrypted e-mail. See DISAI 630-230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

(f) The contracting officer must discuss compliance with DARS 16.601 in the D&F if exercising options under a T&M contract.

**SUBPART 17.5-INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT****17.500 Scope of subpart**

(b) Reimbursable supplies/services provided to DISA by another agency may require a Determination & Finding (D&F) (hereinafter referred to as D&F) and/or a support agreement (DD Form 1144) to support the Economy Act order. See DFARS 217.500(b)/DODI 4000.19 and DISAI 640-50-6 for more information regarding support agreements. Authority to acquire under this subpart on behalf of DISA typically involves Military Interdepartmental Purchase Requests (MIPRs), DD Form 448, or Reimbursable Agreement/Order for Services between Federal Agencies (ROs), DISA Form 125. **(NOTE:** This subpart doesn't apply to MIPRs coded "MZ" used to transfer funds within DISA.) See DARS Part 8 for MIPR/RO policy.

(S-90) The Agency Competition Advocate is the focal point for all D&Fs under this subpart. See DARS 17.503 for D&F approval authorities.

(S-91) DC4 is the focal point for all support agreements. See DISAI 640-50-6 for required coordination and approval for support agreements.

(S-92) If needed, the requirements office should seek help in determining Economy Act applicability early during acquisition planning. See Appendix D (Considerations for Determining Economy Act Applicability) for detailed examples of D&F/support agreement applicability, exemptions, agencies not covered by FAR and Economy Act applicability for Multi-agency Contracts (MACs)/Government-Wide Acquisition Contracts (GWACs).

(S-93) Examples (**not all inclusive**) of D&F for an Economy Act Order/support agreement applicability: **(NOTE:** The Economy Act **doesn't apply** when a DISA contracting office places orders on another agency's contract.)

- **Interservice Support** (DoDI 4000.19 language): Obtaining reimbursable support from **within DoD**.
  - D&F for Economy Act order required when obtaining **single item or one-time** services/supplies.
  - The support agreement constitutes the D&F when obtaining **recurring** services/supplies.
- **Intragovernmental Support** (DoDI 4000.19 language): Obtaining reimbursable support from non-DoD (**outside DoD**) federal agencies.
  - D&F for Economy Act order required when obtaining **single item or one-time** services/supplies.
  - The support agreement constitutes the D&F when obtaining **recurring** supplies/services. But, the following language must be

included in the agreement in order to meet the FAR 17.503 requirement for D&Fs:

- This agreement is consistent with and is entered into under the statutory authority of the Economy Act (31 U.S.C. 1535). Further the Determination and Finding (D&F) requirements as outlined in FAR 17.503 are hereby incorporated into this agreement as follows:
- Use of this interagency acquisition is in the best interest of the Government and the supplies/services can't be obtained as conveniently or economically by contracting directly with a private source.
- If the agreement requires a contracting action by the servicing agency, you must include one of the following statements, as applicable:
  - The acquisition will appropriately be made under an existing contract of (insert name of servicing agency), entered into before placement of the order, to meet the requirements of (insert name of servicing agency) for the same or similar supplies/services;
  - (Insert name of the servicing agency) has capabilities or expertise to enter into a contract for such supplies/services which aren't available within DISA; or
  - (Insert name of the servicing agency) is specifically authorized by law or regulation to purchase such supplies/services on behalf of other agencies.
- *D&F required, unless--*
  - A more specific statutory authority exists, for example:
    - Required sources of services/supplies prescribed in FAR Part 8
  - The support is provided via a GWAC. (**NOTE:** D&F required for MACs.)
  - The support is a micro-purchase (DFARS 217.500(b)/definition at FAR 2.101).
- *Support agreement required unless--*
  - A statutory authority **other than** the Economy Act authorizes supplies/services.
  - Obtaining a **single item or one-time** service.
  - Obtaining intragovernmental sales specifically directed or authorized by law.

- Sales of Defense Working Capital Fund (DWCF) mission products and services. **But, see DISAI 640-50-6, paragraph 7.2.3 for sales of DISA DWCF mission products and services.**

#### 17.501 Definitions.

"First Right of Refusal" means written concurrence by the HCA or designee that obtaining supplies/services from another agency is a reasonable alternative to using DISA contracting offices (see DARS 17.502-90(a) and 17.503).

"Recurring" means regularly acquiring the same or a similar service/supply from the same agency.

#### 17.502-90 General.

(a) When obtaining supplies/services from another agency and the Economy Act applies, the PM/AM must obtain HCA or designee "First Right of Refusal" and D&F for Economy Act order approval, *regardless of dollar value* (see DARS 17.503).

(b) If you're acquiring Information Technology (IT) including National Security System (NSS) IT, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD (C3I)) reporting requirements apply if you meet or exceed the thresholds at DARS 39.101(S-93).

#### 17.503 Determinations and findings requirements.

(c) Approval authority for D&Fs **for Economy Act orders** follows: (NOTE for the requirements office: If you don't know which of the situations below apply, ask the servicing agency.)

- Servicing agency **within** DoD - Agency Competition Advocate
- Servicing agency non-DoD **covered** by FAR - Vice Director or designee (not below SES, Flag, or General Officer)
- Servicing agency non-DOD **not covered** by the FAR - Senior Procurement Executive (see DARS Part 2)

(S-90) The requirements office prepares the D&F. Prepare D&Fs when obtaining **single item or one-time** supplies/services. A support agreement constitutes the D&F for **recurring** supplies/services. In the event a support agreement isn't required for a **recurring** effort and the Economy Act applies, you must prepare a D&F.

(S-91) For D&Fs **outside of DoD**, the Agency Competition Advocate signs the D&F in the space provided **above** the "APPROVAL" block. The Agency Competition Advocate's signature constitutes *recommendation for approval instead of approval*. The DV or designee/SPE (as appropriate) signs as the approval authority.

(S-92) You must obtain HCA or designee's "First Right of Refusal" for all D&Fs for Economy Act orders resulting in a contracting action by the servicing agency (see DARS 17.500(b) (S-94) below).

DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

(S-93) Review of D&Fs by DISA General Counsel (GC) is at the discretion of the Agency Competition Advocate. DISAI 640-50-6 requires GC review on all support agreements.

(S-94) Use the following sample format for D&Fs for Economy Act orders: (**NOTE:** All of the information in the sample below (including the attachment(s)) must be provided, regardless of format used.) When the support agreement constitutes the D&F, the Agency Competition Advocate approval/recommendation and HCA or designee concurrence takes place on the DISA Form 9. See DARS 17.500(b) (S-93) above for applicability. See DISAI 640-50-6 for DISA Form 9/support agreement coordination (DC4 is your POC).

**DETERMINATION AND FINDING  
ECONOMY ACT ORDER**

In accordance with 31 U.S.C. 1535 and FAR 17.503, it is my determination to place the following order for supplies/services pursuant to the Economy Act.

Briefly describe the requirement and include the Requiring Office, and Servicing Agency. Attach a copy of the SOW/SOO.

The servicing agency is (include one of the following)--

- **Within** DoD;
- Non-DoD **covered** by the FAR; or
- Non-DoD **not covered** by the FAR

**FINDING**

Use of an interagency acquisition is in the best interest of the Government;

The supplies/services cannot be obtained as conveniently or economically by contracting directly with a private source; and

Obtaining supplies/services from another agency is a reasonable alternative to using DISA contracting offices.

If the Economy Act requires contracting action by the servicing agency, the D&F shall also include a statement that, at least one of the circumstances at FAR 17.503(b) is applicable.

HCA or Designee (Concurrence--DARS 17.503(c) (S-92))

**Signature:** \_\_\_\_\_

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
DATE

**AGENCY COMPETITION ADVOCATE** (Recommending approval--Not required if Agency Competition Advocate signs below as Approving Authority (DARS 17.503(c) (S-91))

**Signature:** \_\_\_\_\_

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
DATE

**APPROVAL** (DARS 17.503(c))

**Signature:** \_\_\_\_\_

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
DATE

**17.504-90 Ordering procedures.**

(a) When DISA is the **requesting agency**, the requirements office **shall** provide a copy of the executed D&F/support agreement to the servicing agency as an attachment to the MIPR/RO (see DARS Parts 8/53)

unless previously provided. NOTE: In the case of a Federally Funded Research & Development Contract (FFRDC), you would send the copies to the sponsor.

(b) When any of DISA's contracting offices are acting as the **servicing agency**, a copy of the executed D&F/support agreement **shall** be obtained from the requesting agency and placed in the contract file for the Economy Act order.

#### **SUBPART 17.90—GRANTS AND COOPERATIVE AGREEMENTS**

##### **17.9000 Authority.**

The Agency Head has the authority to select, appoint and terminate grants officers within DISA. This authority to award grants and cooperative agreements comes from DoD Directive 3210.6 and Interim-Guidance Draft of Defense Grant and Agreement Regulatory System (DGARS) DoD 3210.6-R.

##### **17.9001 Definitions.**

Cooperative Agreement. A legal instrument used to enter into the same kind of relationship as a grant, except that **substantial involvement is expected** between the Agency and the recipient when carrying out the activity contemplated by the cooperative agreement.

DGARS. A system of policies and procedures to guide DoD grants and cooperative agreements. It also governs other nonprocurement transactions, where provisions so indicate.

Grant. A legal instrument used to enter into a relationship, the principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Agency's direct benefit or use. Further, it is a relationship in which **substantial involvement is not** expected between the Agency and the recipient when carrying out the activity contemplated by the grant.

Grants Officer. Individual authorized by the Agency Head to enter into, administer, or terminate grants. Only grants officers shall sign such legal instruments on behalf of the Agency. Grants officers may bind only to the extent of the authority delegated to them.

##### **17.9002 Policy.**

(a) All requests for appointment of a grants officer shall be submitted by the HCA to Code D41. Code D41 coordinates Agency Head approval.

(b) The HCA shall develop procedures consistent with the Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224), DGARS and all other applicable laws, regulations and directives.

(c) The HCA shall develop a training program to qualify an individual as a grants officers.

(d) Individuals must meet the training criteria established by the HCA in order to qualify as grants officers.

(e) The HCA shall include grants officers in their centralized electronic database for contracting officers (see DARS 1.603-3(a) (S-93)).

(f) Grants officers shall document the official file to justify why awards were made in the form of a grant or cooperative agreement.

(g) Any public notice, solicitation or request for an application or proposal shall indicate whether the intended relationship shall be one of acquisition, grant or cooperative agreement.

#### **SUBPART 17.91--PRODUCT LOAN AGREEMENTS**

##### **17.9100 General.**

Product Loan Agreement (PLA) is a convenient vehicle for the Government to test and evaluate commercial and developmental items for a specified period of time. The Agreement allows the Government to use the product(s) on a no-cost basis for demonstration, testing and assessing various product(s) in the marketplace.

##### **17.9101 Policy.**

(a) The HCA shall establish a system for managing all PLAs to ensure that the terms and conditions of agreements are met (e.g., ensuring products are returned on or before the date listed in the agreement).

(b) The cognizant requirements office develops and initiates the PLA.

(c) The contracting officer must coordinate any revisions to the PLA with local legal counsel. If any revisions are made, the PLA must also contain the signature of legal counsel. The contracting officer maintains the official PLA file.

(d) The contracting officer is the only individual authorized to enter into, administer, and terminate PLAs on behalf of the Government. Unauthorized signatures on PLAs could be subject to Anti-deficiency violations.

(e) The required format for PLAs is set forth below:



**PRODUCT LOAN AGREEMENT**

I. This Agreement sets forth the terms and conditions under which the Defense Information Systems Agency (DISA), (hereinafter, "the Government") shall accept without cost the loaned product(s) (hereinafter, "products") listed below from \_\_\_\_\_ (hereinafter, "the Contractor") for testing and evaluation.

<u>Quantity</u>	<u>Type</u>	<u>Description</u>
-----------------	-------------	--------------------

II. The product(s) listed in paragraph I above shall be delivered to \_\_\_\_\_ on or about \_\_\_\_\_ (day/month/year). The Government shall acknowledge receipt of the product(s) in writing, and retain a copy of the acknowledgment.

III. The Contractor shall bear the cost of transporting the product(s) to and from the address listed in paragraph XII and all risk of loss while they are being transported.

IV. The Government is hereby authorized to perform whatever testing it deems necessary to evaluate the products, and shall be under no obligation to pay the Contractor for their use. Testing by the Government is subject only to the following limitation:

**The Contractor grants to the Government a nonexclusive, nontransferable license to use, perform and execute any product(s) delivered hereunder in connection with the testing and evaluation of the product(s). No other rights expressed or implied are granted.**

V. No copies of the product(s) shall be made without the prior express written consent of the Contractor.

VI. Ownership of the product(s) shall, at all times, remain with the Contractor.

VII. The Government shall not be liable for damage, destruction or loss of the product(s).

VIII. In the event that damage occurs to Government property solely as a result of the use of the product(s), the Contractor shall be liable, at the Government's election, for repair or replacement of the damaged property.

IX. The Government shall return the product(s) on or before \_\_\_\_\_ (day/month/year).

X. The Contractor shall acknowledge return of the product(s) by providing a written receipt on the date the Government surrenders possession of them.

XI. THE GOVERNMENT DOES NOT INTEND TO AWARD A CONTRACT ON THE BASIS OF THIS AGREEMENT AND SHALL NOT PAY FOR THE TESTING AND EVALUATION OR ANY EXPENSES INCURRED BY THE CONTRACTOR IN CONNECTION THEREWITH, EXCEPT AS STATED ABOVE. THE GOVERNMENT HAS MADE NO REPRESENTATIONS RELATIVE TO FUTURE ACQUISITIONS OF THE LOANED ITEMS. INFORMATION CONCERNING FUTURE ACQUISITIONS IS TO BE OBTAINED FROM THE CONTRACTING OFFICER IN COMPLIANCE WITH THE FEDERAL ACQUISITION REGULATION, PART 5, PUBLICIZING CONTRACT ACTIONS.

XII. The use of the product(s) under this PLA shall be for official government business only. The place or location for demonstration and/or evaluation is listed below:

Requirements Office Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ email address: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

XIII. This Agreement constitutes the sole and entire understanding between the parties pertaining to the loan of product(s) listed in paragraph I above.

XIV. The undersigned on behalf of the Government and the Contractor have read the terms of this agreement, understand the terms and agree to abide by them.

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Name/Company/Title of Signer (Type or Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Contracting Officer

\_\_\_\_\_  
Name/Office/Code of Signer (Type or Print)

\_\_\_\_\_  
Date

**THE BELOW SIGNATURE IS REQUIRED IF THIS PLA HAS BEEN REVISED:**

\_\_\_\_\_  
Signature of Legal Counsel

\_\_\_\_\_  
Name/Office/Code of Signer (Type or Print)

\_\_\_\_\_  
Date

cc: Requirements Office

**PART 18**  
**Reserved**

*Revised 21 November 1997 DISA AC 97-01*



**PART 19-90**  
**SMALL BUSINESS PROGRAMS**

*Revised 21 November 1997 DISA AC 97-01*

The DISA Acquisition Deskbook "Promoting Opportunities With Small Business Concerns," listed in Appendix A, replaces Chapter 7F of the How-to-Guide.



**PART 20**  
**RESERVED**

*Revised 21 November 1997 DISA AC 97-01*





**PART 21**  
**RESERVED**

*Revised 21 November 1997 DISA AC 97-01*



**PART 22**  
**APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 22.3—CONTRACT WORK HOURS AND SAFETY STANDARDS ACT**

**22.302 Liquidated damages and overtime pay.**

(c) The authority to provide remedies for inadvertent violations of Contract Work Hours and Safety Standards Act relating to liquidated damages and overtime pay has been delegated to the HCA.



**PART 23**

**ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 24**  
**PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 24.2—FREEDOM OF INFORMATION ACT**

**24.202 Prohibitions.**

(a)(2) Proposals shall not routinely be incorporated as attachments, exhibits or referenced in contracts between DISA and the submitting contractor. Each proposal and contract shall be reviewed individually and a determination made on the necessity of including the proposal as a part of the contract.

**SUBPART 24-90—RELEASE OF INFORMATION CONCERNING DISA CONTRACTS OR  
CONTRACT-RELATED MATTERS**

**24.9000 Policy.**

(a) No DISA employee civilian or military shall make any statement, issue any opinion, or support any belief about any DISA contract or any matter reasonably relating to a contract unless that person is the cognizant contracting officer or authorized designee.

(b) Upon receipt of a request under this subpart, the DISA employee shall provide the requester with the name of the DISA FOIA Office (RGC). Advise requesters that the FOIA Office is the focal point of all such information and that official information can only be released through the FOIA Office or their authorized designee.

(c) This policy does not apply to those infrequent situations in which a DISA employee may be under court order, subpoena, or may otherwise be directed to provide such information in a matter under litigation. All such situations should be directed to the FOIA Office, before the release of any information occurs or before any appearance, testimony or other statement before any tribunal.





**PART 25**  
**FOREIGN ACQUISITION**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 25.1—BUY AMERICAN ACT - SUPPLIES**

**25.102 Policy.**

(a) (3) (C) (1) The HCA for acquisitions valued at less than \$100,000.

(b) (ii) (D) The HCA, if the acquisition is estimated to exceed \$2 million.



**PART 26**  
**OTHER SOCIOECONOMIC PROGRAMS**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



**PART 27**  
**PATENTS, DATA, AND COPYRIGHTS**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 28**  
**BONDS AND INSURANCE**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 28.1—BONDS**

**28.101 Bid guarantees.**

**28.101-1 Policy on use.**

(c) The HCA has been delegated the authority to authorize a waiver of bid guarantee if not in the best interest of the Government for a class of acquisitions.

**28.106 Administration.**

**28.106-6 Furnishing information.**

(c) The HCA has been delegated the authority to provide a certified copy of the performance bond to an interested party and determine the costs for preparing the certified copy of the bond.

**28.203-7 Exclusion of individual sureties.**

(a) The HCA has been delegated the authority to preclude an individual from acting as a surety on a bond for specified reasons.





**PART 29**  
**TAXES**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 29.3—STATE AND LOCAL TAXES**

**29.302 Application of State and Local Taxes to the Government.**

(b) Purchases made using the IMPAC are not subject to taxes.



**PART 30**  
**COST ACCOUNTING STANDARDS ADMINISTRATION**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 31**  
**CONTRACT COST PRINCIPLES AND PROCEDURES**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



**PART 32**  
**CONTRACT FINANCING**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**





**PART 33**  
**PROTESTS, DISPUTES, AND APPEALS**

**RESERVED**



**PART 34**  
**MAJOR SYSTEM ACQUISITION**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 35**  
**RESEARCH AND DEVELOPMENT CONTRACTING**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



**PART 36**  
**CONSTRUCTION AND ARCHITECT - ENGINEER CONTRACTS**

*Revised 21 November 1997 DISA AC 97-01*

**SUBPART 36-6-ARCHITECT-ENGINEER SERVICES**

**36.602 Selection of firms for architect-engineer contracts.**

**36.602-4 Selection authority.**

(a) The HCA has been delegated the authority to act as final selection authority for architect-engineer services.





**PART 37**  
**SERVICE CONTRACTING**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 38**  
**FEDERAL SUPPLY SCHEDULE CONTRACTING**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



**PART 39**  
**ACQUISITION OF INFORMATION RESOURCES**

*Revised 18 May 2000 DISA AC 97-15*

**SUBPART 39.1—GENERAL**

**39.002 Definitions.**

Information Technology (IT) Acquisition. Acquiring IT, including National Security System (NSS) IT, by any method including contract, grant, cooperative agreement, international agreement, interagency [Economy Act] orders (see DARS 17.5) or any "other transactions."

**39.101 Policy.**

(S-90) DISA's Office of the Chief Information Officer (OCIO) is responsible for establishing policies and procedures to implement the Clinger-Cohen Act of 1996 (formerly known as the Information Technology Management Reform Act (ITMRA)). The information under this subpart contains IT policy as it relates to DISA Acquisition Plans (APs) discussed under DARS Part 7.

(S-91) OCIO Information Technology (IT), Information Management (IM), and Information Assurance (IA) policies and procedures implement/supplement Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD(C3I)) IT investment management policy and procedures. These policies and procedures are located on the OCIO homepages at <http://www.disa.mil/cio/cio.html>.

(S-92) Address IT, IM, and IA requirements in APs. Review OCIO policy at the web address given above for specific requirements, see DARS Part 7, and/or contact the OCIO for more information. In addition, the OCIO participates as a stakeholder at Agency Integrated Product Teams (IPTs), at which time review and guidance is provided for developing the IT/IM/IA section of APs.

(S-93) OASD(C3I) reporting requirements for IT including NSS IT acquisitions under the IT investment management procedures are discussed below:

(a) Thresholds for reporting are at and above \$30M when competitive and at and above \$3M when other than full and open. These reporting thresholds apply to each "individual plan of action (POA)" and not the "cumulative value" of all POAs under an AP. **NOTE:** These thresholds apply when using any of the methods to acquire IT/NSS IT discussed in the definition for IT acquisition at DARS 39.002.

(b) Approaches for reporting IT and NSS IT acquisitions to OASD(C3I) are delineated in the Memorandum of Agreement between the DISA CIO and OASD(C3I) (Tailored IT Investment Management Procedure) located at the web address above. Approaches include-

- (1) briefing the AP to OASD(C3I) staff members,
- (2) OASD(C3I) staff member(s) joining DISA IPTs, or

(3) submitting a copy of the approved AP to the OCIO for submission to the appropriate OASD(C3I) office.

- The Program Manager (PM)/AM shall contact the OCIO to determine the appropriate reporting approach.

(c) For those IT, including NSS IT acquisitions already reviewed/approved by the OASD(C3I) staff, the PM/AM shall submit Information Technology Substantive Actions/Issues Report to the OCIO to report contract award and any substantive actions or issues. The OCIO submits the report to the appropriate OASD(C3I) office. (NOTE: There is no reporting requirement for task/delivery orders within the scope of an IT/IM acquisition previously reviewed by the OASD(C3I) staff.)

(d) Examples of substantive acquisition actions/issues (not all-inclusive) follow:

- (1) Contract award
- (2) Protest/dispute
- (3) Significant technical scope change
- (4) Significant strategy/plan change
- (5) Breach to performance baseline
- (6) Congressional inquiry/reply

(e) Reporting requirements under OASD(C3I) IT investment management procedures don't apply to IT acquisitions, including NSS IT acquisitions, that "exclusively support a Major Automated Information System (MAIS) and/or Major Defense Acquisition Program (MDAP)." Insight/reporting requirements for a MAIS Program and MDAP are addressed in key forums such as the IT Overarching Integrated Product Team process, DoD Directive 5000.1 and DoD Regulation 5000.2-R in addition to OASD(C3I) policy memorandums.

### **39.106 Year 2000 Compliant.**

(S-90) PMs/AMs shall include the following language in all SOWs/SOOs/specifications when acquiring IT that will be required to perform date/time processing involving dates after December 31, 1999:

(a) "All information technology provided under, or in support of, this acquisition shall be Year 2000 compliant now. "Year 2000 compliant" means, with respect to information technology, that the information technology accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, the years 1999 and 2000 and leap year calculations, to the extent that other information technology, used in combination with the information technology being acquired, properly exchanges date/time data with it."

(b) "At a minimum, all information technology provided under, or in support of, this acquisition requires testing of at least

a representative sampling of the information technology that is delivered and the results documented in writing. Use generally accepted commercial standards/practices for testing and documentation. If requested, a copy of the test results shall be provided to the government at no additional cost."

(c) "Year 2000 compliance (including testing) is considered to be inherent in performance specifications. As a normal course of business, there is an expectation that there can be no degradation of or interruption in the services provided during the period of performance. Provide steps (e.g., impact analysis, remediation, testing) to ensure that the service provided is not lost or degraded due to potential Year 2000 compliance problems. Providing the government with information to ensure that services are not lost or degraded due to potential Year 2000 compliance problems is considered part of a normal course of business which won't involve any additional cost to the government. If any problems are anticipated in providing uninterrupted service into the Year 2000 and the twenty-first century, advise the contracting officer as soon as possible so any adverse impact is minimized."

(S-92) When providing IT as Government Furnished Property (GFP)/Government Furnished Information (GFI) for use/interface with new IT, describe (list) it and identify whether it is Year 2000 compliant or noncompliant. This information will accompany the Year 2000 compliance language in SOW/SOO/specification.

(S-93) All contracts/orders, as appropriate, should be Year 2000 compliant in accordance with DISA Memorandum, (Subj: Acquisition of Year 2000 (Y2K) Compliant Information Technology (IT) and Bringing Existing IT Into Compliance) of 24 December 1997 located on the D4 homepage under "Electronic Policy Advisories." If they aren't compliant, the PM/AM must coordinate appropriate action with the contracting officer.

(S-94) For indefinite-delivery/indefinite-quantity type contracts when performing work via task/delivery orders, the basic contract SOW/SOO/specification may specify all Year 2000 compliance language, if known. Otherwise, the basic SOW/SOO/specification shall specify the individual task/delivery order be referenced for the information.

(S-95) The HCA shall establish procedures to ensure that all IT acquisitions (see definition at DARS 39.002 above) are Year 2000 compliant.





**PART 40**  
**RESERVED**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

**PART 41**  
**ACQUISITION OF UTILITY SERVICES**  
**NO DARS TEXT**

*Revised 21 November 1997 DISA AC 97-01*



**PART 42**  
**CONTRACT ADMINISTRATION**

*Revised 30 June 1999 DISA AC 97-04*

**SUBPART 42.1-90—INTERAGENCY CONTRACT ADMINISTRATION AND AUDIT SERVICES**

**42.9000 Audit resolution and disposition.**

(a) Policy. Contracting officers shall use contract audit advice provided by the Defense Contract Audit Agency (DCAA) and promptly act to resolve DCAA audit recommendations. This requires --

- (1) Full consideration of audit findings and recommendations;
- (2) Prompt, proper resolution of differences between contracting officers and auditors on proposed disposition of audit findings and recommendations;
- (3) Expeditious disposition (including fund recovery actions);
- (4) Documentation of differences between audit recommendation and dispositions thereof; and
- (5) Open dialogue between contracting, auditing, and audit follow-up personnel to establish and maintain an effective audit resolution system.

(b) System structure. You will structure tThe contract audit follow-up system shall be structured in consonance with the contracting officer's independent decision making role and the contract auditor's financial advisory role. Resolution of audit reports (other than pre-award) is required by law within 6 months of report issuance. Disposition shall take place as soon as possible after resolution.

(c) Responsibilities.

(1) Code D4 is the contract audit follow-up official responsible for managing DISA's contract audit follow-up program. Code D4 ensures that the DISA contract audit follow-up system is implemented in accordance with DoD Directive 7640.2, as amended, and that system operation results in timely and appropriate resolution and disposition of audit reports.

(2) HCA ensures that:

- (i) Contracting officers fully consider contract audit advice in the course of determining pre-negotiation positions.
- (ii) Audit findings and recommendations are resolved and disposed of effectively and in a timely manner, while fully protecting the government's interest.
- (iii) Up-to-date records are maintained on all applicable audit reports from receipt through disposition. For open reports, this

DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

includes written milestone plans comprised of target dates for resolution and disposition, and planned actions to accomplish those dates. When an audit is resolved, you must support it must be supported by specific contract file documentation.

(iv) The semiannual contract audit follow-up status report submission is-

- Prepared in accordance with DoD Directive 7640.2, as amended;

- Verified against prior status report submission and the applicable DCAA control logs; and

- Submitted to Code D4 within 15 calendar days after the end of the 31 March and 30 September reporting periods. Code D4 coordinates submittal of the Agency report to the DODIG within 30 calendar days after the end of the reporting period.

(v) Adequate training is provided.

(vi) Procedures are established for documenting and reviewing:

- Proposed pre-negotiation objectives that provide the independent review for internal control purposes. This will be accomplished as part of the business clearance review and approval process. In documenting the pre-negotiation position, the contracting officer shall indicate whether the audit recommendations were accepted or, if not, whether the auditor has revised them. When the contracting officer disagrees with the audit position, the contracting officer's pre-negotiation documentation shall include the rationale for not accepting the audit advice. The post-negotiation documentation shall include a summary of the field pricing report recommendations and reasons for any pertinent variances from these recommendations.

- Objections from the contractor to the administrative contracting officer (ACO) for auditor-determined indirect cost rates. . This will be accomplished as part of the business clearance review and approval process. If the contractor submits a written objection to the ACO, the ACO may communicate further with the contractor in order to reach agreement. If the ACO disagrees with the audit recommendation, the ACO shall comply with the business clearance procedures for documentation and review before disposition. If the ACO agrees with the audit recommendations, the ACO shall issue a final decision, after complying with the clearance review and approval procedures.

(vii) A copy of the post-negotiation business clearance is provided to the cognizant contract auditor so that the report may be closed.

(viii) Any recovery of funds is accomplished in accordance with DoD Directive 7640.2, as amended, FAR 32.6, and DFARS 232.6.

**SUBPART 42.2 CONTRACT ADMINISTRATION SERVICES**

**42.202 Assignment of contract administration.**

(S-90) DISA shall delegate contract administration functions for all contracts to the Defense Contract Management Command (DCMC) unless FAR 42.202(b), FAR 42.203 or DFARS 242.203 applies. If DISA retains contract administration is retained by DISA, a written determination shall be contained in the contract file. The written determination requires review shall be reviewed by Code D41 in accordance with DARS 1.90.

**SUBPART 42.15—CONTRACTOR PERFORMANCE INFORMATION**

**42.1502 Policy.**

(a) The class deviation discussed in DARS 15.304 applies to the thresholds for *collecting* PPI also. We are required to prepare an *assessment* (evaluation), of contractors' performance when the contract value (base plus option years) is ≥\$1,000,000 (regardless of date of contract award).

(S-90) The threshold applies to the "as-modified" contract value. That is, if a contract value is less than \$1,000,000, but you later modify the contract and the "new" contract value is ≥\$1,000,000, then an assessment(s) should be made starting with the first anniversary that the contract's value is ≥\$1,000,000.

(S-91) The threshold applies to all contracts, orders, orders under GSA schedules, and Communication Service Authorizations (CSAs). At the discretion of the contracting officer, you are encouraged to collect PPI below the threshold.

(S-92) If you *expect* to meet or exceed the threshold (e.g., modification), it may be advisable to initiate the PPI collection process before meeting or exceeding the threshold.

(S-93) Effective 1 February 1998, we implemented mandatory use of the Past Performance Tool (PPT) for *collecting* PPI. The PPT is a World Wide Web-based tool which provides an on-line, real-time capability to both *collect* and query PPI for *use in* source selections. Regardless of the threshold, use of the PPT is required for *collecting* PPI. For example: If the contracting officer chooses to collect PPI below the required \$1M threshold, the use of the PPT is still required.

(S-94) The Systems Administrator (SA) (D41) is the DISA PPT focal point. The PPT is located on the DISA Contractor Past Performance Evaluation Tool Kit homepage (<http://www.disa.mil/D4/pastdev.htm>). See DARS 42.1503(c) for policy relating to accessing the PPT.

(S-95) *Collecting* PPI is **essential** as a means of communication, providing feedback and additional performance incentives of ongoing contracts not just a means to motivate contractors to improve their performance because of potential use of PPI in future source selections.

(S-96) Frequency of Assessment Records (hereinafter called "record(s)"). The contracting officer establishes frequency. Clearly, define the approach in the solicitation. Once established, it should remain consistent throughout the performance of the contract. A list of frequencies for records follows:

- **Annual** - Minimum required when a contract exceeds 1 year. Annual records aren't required for the period of time between contract performance completion and contract closeout, regardless of whether an addendum record is prepared.
- **Interim** - Biannual/quarterly.
- **Final** - Prepared upon *physical* contract completion. For contracts not exceeding 1 year, the *final* record could also be the only record when the frequency is annual. For contracts with performance periods exceeding 1 year, *final* records will address only the **last** contractor's performance period. Not used to "roll up" contractor's performance under the entire contract.
- **Addendum** - Made at the buying activities' discretion to record contractors' performance relative to contract close-out and other administrative requirements (e.g., submitting final reports, final indirect cost proposals, technical data, etc.).

(a) Frequency and assessment approaches taken by contracting officers for IDIQ contracts should be consistent with regard to similar contract types and what is being bought.

(b) The contracting officer should consider many factors in deciding frequency for assessments, for example:

- contract type
- period of performance
- deliverable Vs level of efforts
- milestones
- risk associated with performance

(c) *Interim* records should be prepared to provide current information for source selection purposes, for contracts with period of performance, including options, exceeding 1 year.

(d) Quarterly (*Interim*) records may be appropriate when you are doing regular fair opportunity screenings with past performance as an evaluation factor and you want the most current PPI available.

(e) *Annual* records may be appropriate for firm-fixed price contracts for computer hardware.

(f) IDIQ contracts. Assessing at the contract level may be appropriate when you are buying one type of service/supply.



Assessing at the task/delivery order level may be appropriate when you are buying various types of services/supplies.

(g) When developing a method of contracting (e.g., IDIQ, Basic Ordering Agreement) for use by other agencies and your approach is to collect past performance on the individual orders, your solicitation should instruct agencies placing orders to use an approved web-based system of collecting PPI that feeds into DOD's centralized system (e.g., DISA's PPT). In this situation, you should also include the following reference in the solicitation: For a list of automated systems, see DOD's "A Guide to Collection and Use of PPI, Appendix I (Automated Past Performance Information Systems)" which includes points of contact. Otherwise, the order-issuing agency is responsible and can follow their procedures.

(h) When placing orders on another agency's contract, follow DARS Parts 15/42 for *using* and *collecting* PPI, unless the basic contract states otherwise.

(b) For guidance with construction and architect and engineering past performance, see Appendix E of the DOD Guide to Collection and Use of PPI.

#### **42.1503 Procedures.**

(a) Refer to the DISA Collecting and Using Past Performance Deskbook (Attachment A), Part I for collection procedures. For a comprehensive discussion on *collecting* past performance, you are encouraged to refer to the DOD Guide to Collection and Use of PPI. Per the DOD Guide, past performance assessments are a combined responsibility of the acquisition (program/project)/contracting team and the customer. Assessors should request input from the Defense Contract Management Command and Defense Contract Audit Agency, when needed.

(b) Assessments must be timely to guarantee the integrity of the PPT. Contracting officers designate assessors. When the assessor is the COR or TM, the assessor designation may be included in the COR/TM designation letter. Otherwise, a separate designation letter is required. The DISA PPT SA will notify the appropriate contracting officer in case of late, nonresponsive assessments. The contracting officer will take appropriate action to ensure assessments are completed or escalate to a higher level for resolution.

(S-90) Contractors have a *maximum* of 45 calendar days to submit comments, rebutting statements, or additional information.

(S-91) *Upon receipt* of contractor comments when they either concur or concur with comments, the government record will be certified/posted to the PPT and available for query.

(c) *Access.*

(l) The SA has unrestricted access to the DISA PPT. The contracting officer must authorize all other access to the PPT.

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(2) Access to the PPT is restricted to authorized government personnel on a need-to-know basis, for example: SA, assessors, Agency reviewers, and those individuals using PPI in source selections.

(3) Contractors only receive access to their records.

(4) See the DISA Collecting and Using Past Performance Deskbook for more guidance on protecting PPI.

(d) The PPT is set up to flag 3-year old final assessments. Once the final assessment is 3-years old, it *won't be* accessible on the PPT to query for use in source selections.

**PART 43**  
**CONTRACT MODIFICATIONS**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



**PART 44**  
**SUBCONTRACTING POLICIES AND PROCEDURES**

*Revised 21 November 1997 DISA AC 97-01*

**RESERVED**



**PART 45**  
**GOVERNMENT PROPERTY**

**SUBPART 45.3--PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS**

**45.302-3 Other contracts.**

(c) Allowing profit or fee on general purpose equipment (plant equipment) under other direct costs for other than facilities contracts is in violation of FAR Part 45. FAR 45.302-3(c) states, in part; "No profit or fee shall be allowed on the cost of the facilities when purchased for the account of the Government under other than a facilities contract." Facilities include plant equipment and real property.





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**PART 46**  
**QUALITY ASSURANCE**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**



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**PART 47**  
**TRANSPORTATION**

*Revised 21 November 1997 DISA AC 97-01*

**NO DARS TEXT**

**PART 48**  
**VALUE ENGINEERING**

**NO DARS TEXT**

**49**

**TERMINATION OF CONTRACTS**

**SUBPART 49.1—GENERAL PRINCIPLES**

**49.7001 Congressional notification on significant contract terminations.**

(a) Code D4 shall be notified prior to the release of any termination notice under DFARS 249.7001.

**PART 50**  
**EXTRAORDINARY CONTRACTUAL ACTIONS**

**SUBPART 50.2—DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY**

**50.202 Contract adjustment boards.**

The DISA Contract Adjustment Board shall be composed of the following members:

Vice Director	Chairperson
HCA	Vice Chairperson and Member
Deputy General Counsel	Member

The Board considers and evaluates requests for contract adjustments and recommends appropriate action to the Director. The findings of the Board shall be of an advisory nature. The HCA shall assume staff and administrative cognizance of contract adjustment matters and supply secretarial and recorder services for the operation of the Board.

**PART 51**  
**USE OF GOVERNMENT SOURCES BY CONTRACTORS**

**NO DARS TEXT**

**PART 52**  
**SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**RESERVED**



DISA ACQUISITION REGULATION SUPPLEMENT (DARS)  
**PART 53 FORMS**

*Revised 15 May 2000 DISA AC 97-11*

**SUBPART 53.2—PRESCRIPTION OF FORMS**

**53.200-90 Scope of subpart.**

(a) This subpart prescribes DISA forms for use in acquisition.

(1) DISA Purchase Request (PR)/Coordination Cover Sheet for MIPRs/ROs. This new form replaces Acquisition Package Approval and Coordination Sheet (DISA Form 1, 1 Jun 94) and DISA Form 94 DISA Purchase Request (DISA Form 94, Sep 97). Use the DISA Form 1 to process all DISA funded/managed requests for procurement. The DISA Form 1 reiterates necessary information about the action and is the authority to obtain supplies/services on behalf of a DISA requirements office.

(2) Examples of actions that require use of the DISA Form 1:

(i) New procurements - proposed DISA contracts, orders (includes orders against DISA contracts and orders against GSA schedules and/or other federal agency contracts) or Communication Service Authorizations (CSAs))

(ii) All DISA Contract/Order Modifications - funded/no funds

(iii) Military Interdepartmental Purchase Requests (MIPRs), and Reimbursable Agreement/Order for Services between Federal Agencies (ROs) - Use of the DISA Form 1 is appropriate whether the MIPR is coded "MZ" (internal DISA) or coded "MR" (outgoing). **The DISA Form 1 serves as coordination cover sheet for processing MIPRs/ROs.** The following attachments to the DISA Form 1 may be required when processing MIPRs/ROs (see DARS 8 and 17.5 and DISAI 640-50-6):

➤ Determination & Finding (D&F) for Economy Act Orders

➤ Support Agreement (DD Form 1144) and other funded Memorandums of Agreement

(iv) When using the government-wide commercial purchase card as a method of payment with DITCO placing the order, use the DISA Form 1 for processing the purchase.

(3) Exception:

Telecommunication Services (TS) processed under DITCO's Inquiry-Quote-Order (IQO) process (IQO process used when purchasing TS at or below \$1M.)

(4) **Block 1** (Originator). The originator (requirements office) is responsible for completion of the DISA Form 1 (e.g., obtaining appropriate coordination, signatures, attaching all required documents, etc.) **prior** to submission to the appropriate office for execution. Although the office that executes the PR package may continue to process the package without required documentation, execution of the requirement can't take place until all required documents have been received.

(5) **Before** submission of the DISA Form 1, the originator should coordinate the contents with the contracting officer or when processing outgoing MIPRs/ROs, the resource/funds manager to avoid rework and delays.

(6) If processing electronically and any documents contain sensitive information, ensure compliance with FAR/DARS 1.304 and DISAI 630-230-30 for e-mail security practices for transmission of sensitive unclassified information.

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(7) **Block 4** (Coordination). The instructions to the DISA Form 1 contain a list of individuals who may need to review the action and signify their concurrence by initialing the DISA Form 1.

Proper coordination/signatures will be determined on a case-by-case basis by the originator depending on what type of action you are processing. For example--

- If processing an action involving no funds, coordination/signatures aren't needed from the resource/funds manager or the Comptroller. (NOTE: MIPRs/ROs always involve funds.)
- If processing a non-IT action, coordination isn't needed from the IMO/IMR or ISSM/ISSO.

(8) **Block 5** (Short title and/or Description of Purchase). Block 5 should only contain a brief summary of the action and total amount (base year plus option(s)). But, if you are required to provide more information and need more space, continue on page 2.

(9) **Block 9** (DPAS Priority Rating). DPAS priority ratings can't be arbitrarily applied to an action. It is the requirements office responsibility to determine if a priority is needed. But, authority to apply a rating must come from the HCA or designee (see DARS Part 11).

(10) **Block 10** (PR Package Checklist). Marking a box indicates compliance and if documents are required, you have attached them or previously provided them to the office of execution. Leaving a box blank indicates not applicable.

(11) **Block 11** (Accounting and Funding). When processing MIPRs/ROs, if the same information and signatures are required on the MIPR/RO, don't repeat the information on the DISA Form 1--this will avoid the possibility of double billing. Instead, type "see MIPR" or "see RO."

(12) **Block 11A** (Fund Type). If you mark "Other" you must also identify the fund type. In addition, make sure the "Total \$" is the amount funded and not the "Total Amount (base year plus option(s))" identified under **Block 5**.

(13) **Block 12** (Deputy director or Designated Approving Official). This block must always be completed, regardless of whether the DISA Form 1 is used as a PR or cover sheet for MIPRs/ROs.

(b) The DISA Form 1 and various other DISA acquisition forms are located in the FORMS (Forms Menu System) section of the DISANet, Standard Applications.

**APPENDIX A**  
**LIST OF DISA ACQUISITION DESKBOOKS**

*Revised 22 August 2000 DISA AC 97-16*

1. Promoting Opportunities with Small Business Concerns (DARS Part 19)
2. Industrial Security Program & DD Form 254, Contract Security Classification Specification, Implementation Guide (DARS Part 4)
3. Collecting and Using Past Performance Information (PPI) (DARS Part 15 & DARS Part 42)
4. AP Format, General Plan of Action B, AL Listing, ASC Members, Acquisition Planning/Acquisition Strategy Committee (DARS Part 7), Procurement Lead-Time Charts
5. Justification and Approval (J&A) (DARS Part 6)
6. Independent Government Cost Estimate (IGCE) (DARS Part 15)
7. Commercial Purchase Card Program (DARS Part 13)
8. Contracting Officer Representative/Task Monitor (COR/TM) (DARS Part 1)
9. Source Selection (DARS Part 15)



**APPENDIX B**

**DISA PLAN FOR CONTROL OF CLAUSES**

NOTE: This appendix was approved by Eleanor R. Spector on 11 March 1992. Therefore, any revisions to this plan must be approved by Ms. Spector's office prior to implementation. Code D41 is preparing a new plan and when approved, it will supersede this appendix.

**Statement of Purpose:**

The purpose of this plan is to establish a system of controls for the use of clauses other than those prescribed in the Federal Acquisition Regulation (FAR) or Department of Defense FAR Supplement (DFARS).

**Authority:**

This system of controls is established pursuant to DFARS 201.304(4) and direction from the Director of Defense Procurement dated 5 Aug 91.

**Definitions:**

"Clause" includes provisions, and means a term of condition of the solicitation/contract of the type set forth in FAR Part 52/DFARS Part 252.

"Regulation" means any contracting supplement, policy letter, clause book, automated system, or similar regulatory instrument.

**Approvals Required:**

**Director of Defense Procurement Approval Required:**

All policies, procedures, clauses, or forms that have significant effect on the public.

All class deviations from FARS/DFARS.

Categories of individual deviations in DFARS 201.402(1)(i).

Any deviation required to comply with a treaty or an executive agreement which is not authorized by FAR 1.405(b) or (c).

**Head of Contracting Activity (HCA), Acquisition Management Office (AMOfc) and HCA, Defense Commercial Communications Office (DECCO) Approval Required:**

All individual deviations, except those in one of the five categories in DFARS 201.402 (1)(i).

Any other clauses, except those which require approval of the Director of Defense Procurement.

**Clause Numbering:**

All clauses included in a solicitation or contract must adhere to the numbering and identification requirements in FAR Subpart 52.1 and DFARS

Subpart 252.1. One-time use clauses need not be numbered, but at a minimum, must be identified by title, date, and name of the contracting organization that developed the clause.

**Responsibilities-AMOfc:**

a. Contracting officers shall obtain approval to the extent required under "Approval Authorities" above, before using any clause other than one prescribed by FAR or DFARS. Approval of modifications to non-prescription clauses shall be obtained in the same manner as when the clauses was originally approved.

b. Contracting personnel shall obtain advice and assistance as needed from the Activity General Counsel (Code AL) in preparing written requests for approval of a clause.

c. The contracting officer shall prepare written documentation requesting approval of the use of the clause. The request package shall contain an explanation of the clause and rationale for its use. The request package shall also justify use of the clause other than one prescribed by FAR or DFARS. The request package shall include comments and advice obtained from Code AL. The contract specialist shall ensure that all documents generated during the review and approval process are made a part of the contract file.

d. The Contracting Officer shall submit the request package to the Chief, Acquisition Planning and Procedures Office for forwarding to the HCA, AMOfc.

e. The Chief, Acquisition Planning and Procedures Office shall review the documentation, research the issue, and coordinate with the appropriate directorates/offices. If the issue does not have a significant impact on the public, forward to the HCA, AMOfc who has approval authority. If the issue does have a significant impact on the public, the Chief, Acquisition Planning and Procedures Office shall forward to the Director of the Defense Acquisition Regulations (DAR) Council for processing, after coordinating with the Agency General Counsel (Code AL), to the Director of Defense Procurement.

f. The Chief, Acquisition Planning and Procedures Office shall notify contracting personnel as to approval or denial of requests. The clause(s) shall not be used until such notification is received.

g. The Chief, Acquisition Planning and Procedures Office shall ensure that all approved class deviations are included in the Automated Contract Preparation System for immediate accessibility by contracting personnel.

h. The Chief, Acquisition Planning and Procedures Office shall ensure that all DISA procurement regulations are changed to the extent necessary to reflect the approval of clauses.

i. The Chief, Acquisition Planning and Procedures Office shall annually conduct a formal review of all clauses in use, other than FAR or DFARS clauses, and provide a report of the review for the HCA, AMOfc. The report shall include recommendations for the retention, modification, or deletion of each such clause.

**Responsibilities-DECCO**

a. Contracting officers shall obtain approval to the extent required under "Approval Authorities" above, before using any clause other than those prescribed in the FAR or DFARS. Approval of modifications to non-prescription clauses shall be obtained in the same manner as when the clause was originally approved.

b. Contracting personnel shall obtain advice and assistance as needed from the Activity General Counsel (Code ALD) in preparing written requests for approval of a clause.

c. The Contracting Officer shall prepare required written documentation which will be reviewed by Code ALD. Contract specialists and account managers shall ensure that all documents generated during the review and approval process are part of the official contract file.

d. The Contracting Officer shall submit the request package for the HCA, DECCO approval to the Contract Policy Division (Code RGC).

e. The Contract Policy Division shall review the documentation, research the issue, and coordinate with the appropriate directorates/offices. If the issue does not have a significant impact on the public, forward to the HCA, DECCO who has approval authority. If the issue does have a significant impact on the public, the Contract Policy Division shall forward to the Director of the DAR Council for processing, after coordinating with Code AL, to the Director of Defense Procurement.

f. The Contract Policy Division shall notify contracting personnel as to approval or denial of requests. The clause(s) shall not be used until such notification is received.

g. The Contract Policy Division shall ensure that all approved clauses and deviations are included in the DECCO Contract Management System.

h. The Contract Policy Division shall annually conduct a review of all DECCO specific clauses that have a significant impact on the public and provide a report of the review to the Principal Deputy Director, DECCO. The report shall include recommendations for the retention, modification, or deletion of clause(s).

**Retention:**

The AMOfc and DECCO Plan for Control of Clauses shall be retained in the DISA Acquisition Policies and Procedures.

**Focal Point:**

The HCA, AMOfc and the HCA, DECCO are the agency focal points for resolution of internal or public inquiries on authority for use of a particular clause.





**APPENDIX C**

ACQUISITION INFORMATION SHEET  
(Link provided to another location)



